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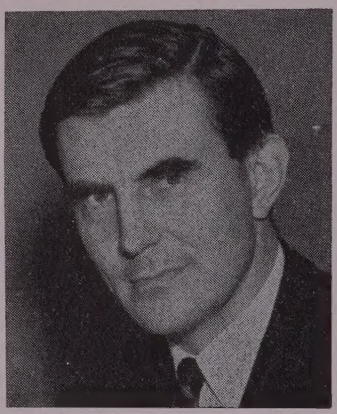
NATIONAL MUNICIPAL LEAGUE

Winant Named Ambassador to Britain

National Municipal League President chosen for vital diplomatic post after career in state, national, and international affairs.

THE long-rumored appointment as ambassador to the Court of St. James of John Gilbert Winant, newly-elected president of the National Municipal League, was announced by the President February 6.

Mr. Winant, who was elected president of the League at the 46th annual National Conference on Government at Springfield, Massachusetts, last November, served as a member of the League council from 1934 to 1939, and then as an honorary vice-president.



Underwood & Underwood
JOHN G. WINANT

His appointment to the diplomatic post which would have been the most important in the world even in a less critical time was met with universal approval both in Great Britain and in the United States during the two months he was being widely discussed.

The *New York Times*, in commenting on Mr. Winant, described him as "a liberal Republican whose humanitarian principles have far transcended party or class lines. . . . Tall, deliberate and earnest, 'an aristocratic version of Abraham Lincoln,' he has often been mentioned as a possible presidential candidate on a liberal Republican platform."

Mr. Winant was born in New York on February 23, 1889. Later his family moved to Concord, New Hampshire. He became interested in politics after graduating from Princeton in 1917 and was elected to the New Hampshire House of Representatives. His political career was interrupted soon, however, by his enlistment as a private in the World War. He became commander of the Eighth Observation Squadron and was discharged as a captain at the end of the war.

After post-graduate study in government Mr. Winant was elected to the New Hampshire State Senate in 1921 and a second time to the House in 1923. He was elected Governor in 1925 and again in 1931, when he continued in office for two terms.

During these terms he was distinguished for his social reform program and in 1935 was called to Washington to become the first chairman of the Social Security Board.

During the past few years Mr. Winant's familiarity with foreign affairs has been broadened by his service as head of the International Labor Office at Geneva. In his brief inaugural address as president of the League, Mr. Winant mentioned that he had visited and closely studied, both before the war began and afterward, all of the countries which have been involved in the current war.

National Municipal Review

Editorial Comment

Hobgoblin of the Politicians' Nightmare

EVERY ten years, when the census is taken, we face the question of redistributing the seats in state legislatures in accordance with population changes. With most state legislatures now in session, this will come in for much discussion during the next few months, but, if past experience is any criterion, little action.

It is about now that legislators begin to develop the "Yes-we-believe-in-democracy-and-the-constitution-BUT—" attitude.

Legislatures have failed more often than they have succeeded in carrying out the constitutional mandate to readjust legislative districts fairly after each census.

It has been a pretty cold-blooded proposition, and the reasons for this nonfeasance are quite well known. They include the reluctance of a dominant party to risk a diminution of its control, the desire of rural regions to keep the majorities they held long ago before the growth of cities, and the inherent fear of change held by politicians who have been successful under an existing arrangement.

Strictly on the basis of democratic theory and ideals, these reasons are without merit. But, in practically every state which possesses a large city, rural-minded legislatures conspire to keep it hog-tied with under-representation. "Down-state" Illinois doesn't intend to let Chicago get out of hand any more than "up-state" New York intends to let the nation's largest city be appropriately represented. Los Angeles, San Francisco, and Alameda Counties in California between them have 58 per cent of the state's population, yet they are represented by only 3 per cent of the state senators.

An article[1] in this issue of the REVIEW examines the situation and finds most states helpless to do anything about it when the legislature fails to act. It is questionable whether a good result is likely to be obtained even in those states which provide for apportionment boards consisting of regular officials elected on a state-wide basis. Are these officials less politically minded? Are they not almost sure to be members of a single party—party leaders, indeed, on whom political pressures would be particularly strong?

It has been suggested that the highest court in the state either act or appoint a board; but it would be a miracle if this did not plague the court with political wire-pulling, thus nullifying the painfully achieved tradition of comparative freedom from politics.

When the legislature in the state of Washington failed some years ago to give Seattle and Spokane their proportionate number of representatives, an initiative measure was approved by the voters; but this also might be classed as something of a

[1]See page 73.

unique miracle, very difficult of consummation even in those states which have the initiative.

Most states need a semi-automatic method of reapportionment which can operate despite political and regional self-interest.

Proportional representation as used in New York City would provide such a method. This system of voting promptly corrected glaring inequities in the representation of the various boroughs in the city council. The fact that New York City has a larger population than all but two states demonstrates that there are no technical problems involved which would tend to make P.R. inapplicable to legislatures.

The preliminary draft of the National Municipal League's *Model State Constitution,* on which a distinguished committee has been at work for many months and which is scheduled for early publication, provides that, "After each decennial census, the secretary of the legislature shall have power and it shall be his duty to redistrict the state into districts of approximately equal population."

Especially at a time when it is so desperately important for the people of this country to maintain their faith in and respect for our "self-governing" system, it ought to be possible for legislatures to rise above petty considerations and act promptly and fairly, or to confess their incompetence and provide an alternative method. After all, the basic reason other countries have been losing such democracy as they have had was the inability of their systems to cope with problems at hand and to rise above unworthy political motives.

Installment Taxpaying as a 'Pain' Killer

ONCE upon a time, when banks were still encouraging people to deposit money in savings accounts, a middle-western banker sent a special delivery New Year's greeting letter to his entire list of checking accounts.

The greeting was accompanied by a discussion of the inconvenience of having such obligations as taxes and insurance premiums come due in large lump sums. The banker suggested to each customer that he budget all such fixed obligations, divide by twelve to determine the cost per month, and then authorize the bank to transfer that amount each month to a savings account.

Despite the fact that the special delivery letter, timed to arrive about noon, disturbed more than a few hangovers, there were many takers. A considerable proportion of them wrote letters complimenting the banker on his logic and enterprise.

It was and still is a good idea, but not as good now as it was in the '20s. A great many cities have liberalized their tax collection methods in order to speed up collection. They have taken a tip from the merchandising field which has done so much to educate people to the idea of paying gradually and painlessly.

According to figures published recently in the NATIONAL MUNICIPAL

(Continued on Page 132)

Reapportionment: A Chronic Problem

Will state legislatures tackle the problem of redistricting now that new census figures are available?

By CHARLES W. SHULL
Wayne University

LEGISLATIVE apportionment in the states resembles the weather; it is a combination of factors and conditions provoking comment and controversy, seldom resulting in action.

Factors in the problem of apportionment are varied. From out of the mass of possible influences entering into the creation of the problem of representative government in the form of apportionment, we can only separate those that seem to possess significance. Of these, size is an important element, since the sheer magnitude of the task of distributing legislative memberships is a full and potent force itself.

There are involved in possible legislative rearrangements a total of 1,704 senators and 5,695 members of lower branches in the various states, to which must be added the forty-three members of the unicameral legislature of Nebraska. Grand total of all memberships involved in apportionment schemes is 7,442.

There are then forty-eight sets of apportionment acts or schemes, making allowances here for the fact that several states[1] utilize their constitutions as the medium for ordering a particular apportionment in lieu of the commoner statutory enactment. There are ninety-five legislative chambers whose personnel must be distributed in accordance with ninety-five different patterns or bases of representation. These bodies range from seventeen in the senates of Nevada and Delaware to 427 in the lower branch of the General Court of New Hampshire.

Recognition must be made of this factor of size, not because it of itself generates and encourages legal difficulties over apportionment, but because the sheer volume of the personnel involved occasions a heavy demand for exactitude in the apportionment process which oftentimes cannot be attained by reason of hampering restrictions set down in the firm, hard lines of constitutional texts. In all instances the choice of number for each chamber reflects to a considerable degree the element of chance and convenience.

Posing the problem of apportionment prospectively for 1941 and the decade to come, the question must be raised as to how to determine the

[1]Delaware, Kentucky, Connecticut, and Mississippi for both branches; Idaho, New Mexico, and Louisiana have employed the constitution as a means of making one apportionment with release of the power to the legislature thereafter; the senate of South Carolina and the House of Representatives of Vermont also depend upon the constitutions of those states.

size of our state legislative bodies. How do we know when a legislative body is too large or too small, too unwieldly or too easily maneuvered or manipulated? How can we tell whether 427 is too many for the House of Representatives of New Hampshire or empirically assert that a fixed number of one hundred conjoined with a moiety clause may be too few for Michigan? Are the inhabitants of New Jersey with eighty-one members in both houses and of Nebraska with forty-three in their unicameral legislature better represented, more efficiently served, than, for example, are Illinois with 204 and Massachusetts with 280?

TREND IN SIZE

Is the trend toward smaller legislatures in terms of number of members and number of branches, or do the people of the separate states desire large bodies whether unicameral or bicameral in character? Professor Alvin W. Johnson has thrown some light upon this by means of his illuminating tables showing the trend in unicameral proposals away from the simplicity of the original Norris prescription of twenty-one for Nebraska and the final thirty to fifty range authorized there.[2] In the main we lack for the determination of the proper size of legislative bodies even that sage standard for the length of a term paper which, like a woman's skirt, should be long enough to cover the subject yet short enough to be interesting.

Bicameralism presupposes that there will be two distinct representative bases for its construction and utilization. Indeed it is almost axiomatic that there must be this duality of base or bicameralism is smitten with the fate of Siamese coupling: the twins are two, yet one in structure and interconnection. The *sine qua non* for the success of bicameralism even in the smallest degree is that there be those two differentiated bases of representation which can be matched with the two chambers it necessarily involves.

The national Congress escapes to a considerable extent from this dilemma; the American state legislatures never rise above it, for they are tied to the intermingled use of population and territory as the bases for representation in both houses of representatives and senates.

The representative base thus becomes a factor in our problem of apportionment. Utilizing federalism nationally, it is possible to use population as the basis for our national House of Representatives and states for the Senate, even though the effect of the seventeenth amendment may have been to rob the Senate of any special type of interest to represent.

Unitary in organization within the states themselves, we have been too lacking in daring, too traditional in our thought, to regard the most numerous branch of the state legislative assemblies as anything other than the branch in which population should be recognized. That reliance on tradition and an old pattern of thought has left us stranded when

[2]See Alvin W. Johnson, *The Unicameral Legislature,* Minneapolis, 1938. Also Constitution of Nebraska, article III, 1, 5.

faced with the problem of finding a basis for the apportionment of the personnel of our upper chambers.

Weighing the importance of bicameralism and its compulsory search for representative bases as a factor in the problem of apportionment as we face a new census decade, would it be heretical to suggest that in most of our states it would have been as well had population exclusively been represented in our upper chambers, and territory or counties frankly and openly in our lower chambers, for many of the forty-eight states would approximate the present size of their legislatures had they done so.

Examination of the current bases of representation in our states will lend color to the belief that something on this latter order was in the minds of the constitution makers who gave forth the text of the legal formulae defining their bases of representation.

MICHIGAN'S PROBLEM

At the present time the House of Representatives in Michigan has one hundred members, supposedly apportioned in accordance with population from districts which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory. No township or city may be divided in the formation of a legislative district, unless by some chance a municipality sits astride county lines.

It would seem to be implied that population and its distribution into substantially equal districts was the rule in Michigan, but further analysis rids one of that illusion. The constitutional provisions[3] proceed. If any city or township contains sufficient population to entitle it to more than one representative, then it cannot be separated into single districts, but must choose its entire delegation by general ticket. Practically, Detroit is the only area thus affected since it elects seventeen members.

Each county, with such territory as may be attached thereto, shall be entitled to a separate representative when it has population equal to a moiety of the ratio of representation. Boiled down to its bare essentials the section of the constitution of Michigan relating to the Senate simply says that there shall be thirty-two districts created for the purpose of electing thirty-two senators, and that in rearranging these districts the last preceding census of the United States shall be used as the base. Furthermore, no county may be divided in the formation of senatorial districts unless it is entitled to two or more senators.

Fundamentally, so far as the basis of representation as a problem of apportionment in Michigan is concerned, there are several difficulties; chief of these in the case of the House of Representatives is the fact that there simply are not seats enough to go around. With the number fixed at present at one hundred joined with a moiety clause, it would not make much difference what the state's distribution of population was at any given period; there would still be a difficult problem of appor-

[3]Constitution of Michigan, article V, sections 2, 3, 4.

tionment. It should be more than apparent that if one were dealing out loaves of bread, and were faced with an individual who could prove a claim to half a loaf but who must actually be given a whole loaf, there would be a shortage of bread. One cannot hand out ten whole loaves in lieu of five and have five others left to give to those entitled thereto, if the available loaves are limited. Moiety in Michigan would be reasonably fair were it not for the fixed number of seats. To abide by moiety you must violate strictly equitable apportionment. Here the difficulty is both practical and constitutional.

In any session of the Michigan House of Representatives there can be noted three types of districts. There are earned seat districts in which the full quota has been met; there are multiple-member districts where both earned and moiety seats can be distinguished; and there are moiety districts of either single counties or combinations of counties. That is variety which becomes the spice of legislative life in Michigan.

On the other hand, the Senate presents a problem because it is too leniently set up. In the judgment of some observers, it would be possible to create thirty-two districts with some light regard for population and let it go at that; in fact, present districts range from about 65,000 to 350,000 in population and yet have not been legally challenged.

OHIO PROVISIONS

Ohio presents another situation. Her constitution[4] stipulates: that the representative quota for membership in the House of Representatives shall be determined by dividing the total population of the state by one hundred. Every county having a population equal to one-half of the ratio, shall be entitled to one representative; every county containing said ratio and three-fourths over shall be entitled to two representatives; every county containing three times said ratio shall be entitled to three representatives, and so on, requiring after the two, an entire ratio for each additional representative. When any county shall have a fraction above the ratio so large that, being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios among the several sessions of the decennial period.

On the face of it, this is a fair system; it avoids the pitfalls of a fixed number of members, and utilizes a different type of moiety from that employed in Michigan. There is a catch, however, a provision which thus far has been deliberately omitted, for the section also includes this: provided, however, that each county shall have one representative.

Consequently there are also several types of legislative seats in Ohio. Full quota, full seats for half a quota, full seats for three-fourths the quota, the representatives allotted periodically for the surpluses, and the pure county seats allotted without regard to ratios. This does not give each county one seat for the privilege rare and unique of being a county; the law merely says in effect that even if you are too

[4]Constitution of Ohio, article XI.

poor in population to earn a seat under the other provisions of the constitution, you will have one anyway. For the Senate the same rules in general prevail, except that the quota is determined in terms of thirty-five as the divisor.

To cite but one more example: Illinois provides for the creation of fifty-one senatorial districts upon the basis of contiguous and convenient territory and as nearly as equal population as may be possible, no district to contain less than four-fifths of the senatorial quota. On top of that the House of Representatives was hitched fast to the same basis as the Senate, multipled threefold by the requirement that three representatives be elected from each senatorial district.

Enough has been said to indicate the difficulty of the problem upon the score of the representative base, particularly within our bicameral systems. Reference to virtually any state legislature and its apportionment schemes would reveal confusion as much confounded.

The third factor in the problem of apportionment is that of time. How current is the present apportionment in terms of chronology? How regularly do such redistributions of members and rearrangements of districts occur?

LAG IN APPORTIONMENT

A circularization of the various states has at the time of this writing brought replies from forty-three of the forty-eight states: five replies are missing—Oklahoma, Rhode Island, Tennessee, Washington, and Wyoming. Several were partial and indefinite in information—Louisiana, Idaho, and New Mexico.

Accepting the proposition that in order to be deemed current in apportionment a state must have had such an event within the past ten years, here is the evidence. Twenty-three states have had legislative reapportionments within the period 1931-1940, and are to be deemed substantially current so far as this factor of time is concerned. These states are Arizona, Arkansas, California, Colorado, Georgia, Maine, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, South Dakota, Utah, Virginia, West Virginia and Wisconsin with complete reapportionments within that period, and Iowa and South Carolina with reapportionments of their lower houses. Vermont reapportioned her Senate in 1932.

Excluding Connecticut, Delaware, and Mississippi where apportionment is largely, if not entirely, fixed by the constitution, making note of the ambiguous information anent Idaho, New Mexico, and Louisiana where at least one apportionment was made by the constitution, and recognizing that the Senate in South Carolina and the House of Representatives of Vermont also depend upon constitutional apportionment, we still have about 50 per cent of the states substantially current in apportionment. Of those that lag the record is this: Florida and Michigan in 1925; Kansas in 1923; Indiana, Missouri, North Carolina, and Pennsylvania in 1921; Texas in 1920; New York in

1917; Minnesota in 1913; Alabama and Illinois, 1901; Kentucky by constitution in 1893; and Mississippi in 1892, later altered by the addition of seven new counties although this was amended in 1918.

The problem of time in apportionment resolves itself fundamentally into this proposition. For those states that are substantially current, how may they continue with contemporary apportionments and not lag behind; for those states that already are out of line, how to catch up, becoming current. Almost immediately we arrive at the last factor which will be treated as pertinent to the problem of apportionment—that of mode or method.

Thirty-five states[5] provide in their constitutions that the legislature shall be the proper agency to accomplish apportionment. Oregon directs that the membership of her legislature shall be fixed by law, and Tennessee says simply that the personnel of her legislature shall be apportioned. Idaho and Nevada make specific enumerations of the number of districts and legislators in their original basic laws or constitutions which allocation is to be valid until provided otherwise by statute, thus passing the matter into the hands of the legislature. In New York authority to apportion rests in the legislature, subject to review in the courts at the suit of any citizen under such reasonable regulations as may be prescribed by law. Similar provisions appear in the Oklahoma constitution which also gives priority of treatment and status to apportionment cases pending in the courts.[6]

Delaware alone of all the states retains constitutional apportionment in the sense that the distribution is embedded in the text of her fundamental law and can be changed only by constitutional amendment. It might profitably be recalled that the amending process of Delaware calls for action by two successive legislatures, so in a sense legislative control of legislative apportionment is preserved in that state.

SPECIAL AGENCIES

Two of the states give conditional power over apportionment to their legislatures, leaving plenary control and initiative in regard to the problem to those agencies, but establishing other safeguards in the event of nonfeasance by them. These are Missouri and California. In each a special agency comes into existence if the legislature fails to function in regard to reapportionment. Missouri devolves that duty upon a commission composed of the governor, secretary of state, or attorney-general, who must act within thirty days after final adjournment of the legis-

[5]Alabama, Connecticut, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont (Senate only), Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[6]See New York Constitutional Convention Committee, *Problems Relating to Legislative Organization and Powers*, pp. 226-227, for a convenient summary of these data.

lature. In California a reapportionment commission consisting of the lieutenant governor, the surveyor-general, the secretary of state, and the state supervisor of public instruction must complete the apportionment in the event that the legislature fails to do so.

Other states utilize special agencies. In Maryland apportionment is consummated by the governor. Ohio uses a commission composed of the governor, secretary of state, and the auditor; action may be taken by any two of them. Arkansas also created a special board of apportionment in 1936 which includes the governor, the secretary of state, and the attorney-general. The findings of this board are subject to revision or mandamus by the State Supreme Court.[7]

If these agencies, particularly the legislature, fail to function or deliberately omit action, what then can be done? In the case of the states having legislative action alone, the answer is slightly suggestive of John of Salisbury's prescription of the method of tyrannicide. Use of the sword being barred by scripture, and poison not being sanctioned by inclusion therein, prayer becomes the proper method to dispose of a despotic ruler.

Mandamus, quo warranto, injunction, taxpayers' suits, attempts to establish breach of the federal guarantee of a republican form of government all being unavailing in the presence of the ubiquitous back door for judicial escape, the doctrine of political questions, it would seem that prayer is the only hope—unless resort is had either to the ballot box (the preferred remedy of the judiciary), or constitutional amendment to establish a successor to the existing apportionment by means of the constitution, or the establishment of a supplementary agency to perform the function in the event that the legislature does not, or to pass the power to someone else, such as the commission in Ohio and the board in Arkansas. In all of these the problem of staying current still remains. If the difficulty involved in the factors of time and mode are hitched to the base of representation and the number of members, as is true in Illinois, the situation when conjoined with the downstate-Cook County cleavage becomes almost impossible of remedy.

The problem of apportionment is compounded of these four factors: number, base of representation, time, and mode. It might succinctly be stated as follows: that the problem of legislative apportionment in the states is to arrive at the determination of the most convenient number of representatives in our legislative branches, chosen upon the most usable bases of representation having some natural relationship to the general social and economic *milieu* of the state, and finding the means to keep that numerical application to these bases abreast of change and the ebb and flow of the political tides of that state.

In the last analysis, however, no apportionment scheme matters much unless the legislature is stripped of all petty, foolish limitations, is given an honest chance to be a real law-making body, made a coördinate branch of government in our states.

[7]Constitution of Arkansas, amendment 23.

Our Municipal Neighbors to the South

Latin American cities offer fertile field for study; little known of their politics and administration.

By RUSSELL H. FITZGIBBON
University of California at Los Angeles

MANY years ago county government in the United States was described as the dark continent of American politics. The characterization was apt, and the phrase itself may have been in part responsible for the considerable illumination which has been given that particular governmental area in recent decades.

If a view of the politics of the whole hemisphere be taken, the figure of speech might well be transferred to Latin American municipal government. For the politics and administration of the cities of Latin America are still in large measure unexplored —certainly unpublicized—aspects of the whole picture of government in the New World. The average person in the United States is uninformed about some of the most elementary features of governmental forms and trends in the cities of "the other America." About national governments, yes, in part; but scarcely at all in regard to the political life of the municipalities.

This is the more unfortunate because so much of the political motivation and activity of the score of Latin American republics is city-bred. That rural areas are frequently tributary—economically, culturally, politically, and in other ways—to the urban population nuclei which they surround is a well recognized phenomenon; but so obvious is that relationship in many of the Latin American countries that one sometimes encounters a situation in which the metropolis seems virtually to have swallowed the remainder of the country. In some of the smaller countries —Uruguay, for instance—the picture begins to approximate, roughly, that of the old Greek city-state in which the surrounding country was technically a part of the city.

Even in some of the larger countries, such as Argentina, the same relationship is present, though perhaps in less exaggerated form. If the general dominance of New York City plus the political leadership of Washington were rolled into one, with the features of preëminence of perhaps Pittsburgh and Chicago and Los Angeles and a few other cities thrown in for good measure, we should have something of the relationship between Buenos Aires and the rest of Argentina. Further exposition would be beside the point; the net result is that the industrial, literary, artistic, religious, and many other centers of gravity, in addition to the political, rest in urban centers in Latin America to a much greater degree than anything with which we are familiar in the United States.

Thus far, such serious study as has been given to Latin American govern-

ments has all but completely been concentrated on the topmost levels. This is natural, if not logical, in view of the historic and very general tendency of the centralized and executive-dominated national governments to extend their control into all other levels and all geographic areas of the various countries. For one thing, all but four of the Latin American republics have unitary rather than federal governments. Even in the remaining four—Mexico, Venezuela, Argentina, and Brazil[1]—the centralizing tendency has generally been so strong, both politically and administratively, throughout most of the more than a century of independence, as to make the national governments partly unitary on a *de facto* if not on a *de jure* basis. Needless to say, there has been little formal obstacle to such a trend in those countries organized upon a constitutionally unitary basis, but even in the nominally federal countries the tendency has been so marked as to lead one writer some years ago (before the Vargas *coup* of 1937) to label a book he had written, *His Majesty, the President of Brazil*.[2] The almost universal acceptance in Latin America of presidential rather than parliamentary government is another factor which has facilitated executive control of the national government.

This does not justify the conclusion that political consciousness and activity exist only in the national arenas and around the national capitals. Regional politics in various Latin American countries is well organized and highly articulate. In Mexico it may be a Michoacán clique, centering around the leaders of Morelia, the state capital, competing for political control against, say, the political bosses of Sonora or Chihuahua in the north. In Brazil the picture revolves around the time-honored political rivalries of the states of Sao Paulo and Minas Geraes and, latterly, Rio Grande do Sul.

In Argentina the dominant issue of the first half century and more of independence was the contest for control between the *Porteños* (the inhabitants of Buenos Aires) and the hinterland provinces. In Nicaragua, it was a traditional battle between the Conservatives of Granada and the Liberals of León.

CITY VS. CITY

In any case, it has usually been *city* against *city*, with the political leaders of one city or another temporarily lifting themselves by their bootstraps, as it were, into rôles on the national stage. With some exceptions, though, they remained in spirit city bosses instead of becoming national figures.

Almost the whole tradition of the Iberian veneer of government in Latin America emphasized control from above. Municipal autonomy and democracy which, in thirteenth- and fourteenth-century Spain had reached a high and prominent peak of development, had very largely atrophied by the end of the fifteenth century. The governmental institutions of the two mother countries were transferred with great faithfulness to their

[1]It is questionable whether, since the Vargas *coup* of November 1937, Brazil can still be said to possess a federal government.

[2]Ernest Hambloch (New York, 1936).

colonies. Hence, the early colonial *cabildos* and *ayuntamientos* mirrored the corresponding municipal institutions in Spain and Portugal.

Enough of the memory of vigorous municipal life in an earlier century in the peninsula still persisted to make the early colonial municipalities almost the only seat of self-government in the vast new world which Spain and Portugal conquered. This modicum of political self-assertiveness quickly withered, however, and for some two centuries after about the middle of the sixteenth, municipal autonomy in Latin America was almost a fiction. In the latter part of the eighteenth century, because of complicated factors associated with the nascent independence movement, municipal consciousness and activity began to revive, although in the field of politics the movement was somewhat artificial.

Another aspect of municipal life and organization which must be taken into consideration in accounting for what exists in that area today, is the aboriginal elements which persisted. It has been remarked that the implanting of Hispanic civilization involved the imposing of institutions from above. This led in some instances to the overlaying of a solid and tenacious core of native institutions with a more or less superficial veneer of Spanish or Portuguese practice. Native literatures—where they existed—were rooted out because they were so obviously "profane" in contrast to the orthodox Catholic writings which were supported by the state. Native languages, however, were not rooted out. They persist today in many areas, and some of them—Guaraní, Quechuan, Mayan derivatives—came to be historically important. The Catholic religion, closely allied with the government as it was, could obviously tolerate no open rivals, but oftentimes the forms of the church were merely superimposed on the continuing paganism of the native.[3] The natives also strenuously resisted Spanish efforts to win them away from a subsistence economy to the sale-for-profit economy of the invaders.

NATIVE GOVERNMENTS PERSIST

So it was in the field of government. In certain areas, native populations of considerable density and great development had already established well organized political institutions. This was notably true in parts of Mexico, in Guatemala and other portions of Central America, in Peru and elsewhere in the Andean highlands. So far as "national" governments developed by the natives were concerned—the Inca empire in Peru, the Aztec federation in Mexico, perhaps the Chibcha organization in northern South America—the Spanish quickly wiped them out by means of the substitution of their own large-unit forms. The local units persisted, however, and even now, in direct proportion to the retention of native culture-patterns in one area or another, reflect a good deal of vitality. In the more primitive regions of highland Guatemala, for example, one sees almost a dual scheme of local government, the *intendente* being the agent of national authority while the *alcalde*

[3]Cf. Anita Brenner, *Idols Behind Altars* (New York, 1929).

auxiliar is chosen by and represents a tenacious nativist democracy.

The native contributions to Latin American political institutions have thus been made chiefly on a horizontal plane and on the lower levels. The interaction of the native and alien elements in the evolution of modern municipal institutions has been most interesting and significant.

MUNICIPAL STUDY NEEDED

Several studies of the governmental structures and operation of particular Latin American countries have been made within recent years.[4] These, for the most part, have been vertical in character, i.e., studies of the governments of single countries. Relatively little emphasis has been placed on municipal government and politics, important as those aspects are. No adequate study of any Latin American political institutions along horizonal lines has yet appeared, although the importance of this, in view of our new consciousness of and mushrooming interest in Latin America as a whole, would seem to be obvious.

One badly needed study, for instance, would deal with organized municipal life and activity in Latin America. If limited in scope to the field of politics and government it might logically fall to the lot of political scientists. On the other hand, if such a survey were to view the municipal life of Latin America more broadly, there obviously would be the necessity for coöperation by the economist, the sociologist, the historian, the geographer, the ethnologist, and probably other social scientists. Even if the objective of the research were primarily to trace the lines of political activity, much use would need to be made of the cognate social sciences.

An investigation of the political life of the municipalities of Latin America might be made on the basis of a considerable expansion of some such outline as the following:

Historical. What—in detail—has been the course of the growth of Latin American urban life and its political machinery? After a general survey, a sufficient "breakdown" should be made to account for the various differences of development encountered in the several parts of Spanish America, Brazil, and Haiti.

1. What municipal political inheritances are historically traceable to the Spanish, Portuguese, and French?

2. What has been transmitted to the present generation from pre-Columbian native political life?

3. What royal instructions were issued to the *conquistadores* in regard to the founding of cities?

4. What was the relationship of Latin American municipalities to the governments of the mother countries during the colonial period?

5. Careful study of various *Actas de Cabildos* is needed.

Ethnic. What population factors contribute to the present political

[4] Especially noteworthy in this respect is the series of volumes published by the Carnegie Institution of Washington, four of which have been issued to date: Leo S. Rowe, *The Federal System of the Argentine Republic* (Washington, 1921); Herman G. James, *The Constitutional System of Brazil* (Washington, 1923); Graham H. Stuart, *The Governmental System of Peru* (Washington, 1925); and N. Andrew N. Cleven, *The Political Organization of Bolivia* (Washington, 1940).

life and governmental organization of Latin American cities? The supposition that particular racial groups have a "genius" for political activity should be examined with regard to Latin America and either substantiated or refuted.

1. How does the urban ethnic composition of various parts of Latin America differ from the rural composition of the same countries, if at all, and how does this affect the problem of government? What peculiar racial problems confront municipalities?

2. Are particular types of political life and governmental institutions "naturally" suited to specific racial combinations?

Geographic. How have geographical factors impinged on municipal political developments?

1. What has been the relationship of waterways, land resources, altitude, rainfall, and other climatic factors?

2. What geographical factors have contributed to the founding and growth of particular cities, especially those in the tropics in contrast to those in mid latitudes?

Economic. How are political institutions conditioned by economic aspects?

1. The problem of land utilization of tributary areas needs intensive study. How dependent is urban life and its governmental development on that factor?

2. What is the scheme of taxation and the basis of the tax structure of Latin American cities?

3. What sources of revenue other than taxation have been used and what have been their political purposes and consequences?

4. What has been the borrowing record of urban governments? What has borrowed money been used for?

Political. To what extent does a general pattern of governmental organization emerge for Latin American cities, and where (and why) do differences appear?

1. How politically conscious are the urban inhabitants of Latin America? What is the discernible trend, if any, in that regard.

   a. What municipal suffrage qualifications prevail and how are they changing, if at all?

2. What forms of party organization and activity characterize Latin American cities? Is there anything distinctive about this in contrast to such phenomena for the respective countries as a whole?

   a. To what extent is municipal politics—and administration—dominated by *personalismo* (i.e., "bossism")?

3. What political and administrative subdivisions of cities are there? What examples of functional devolution?

4. What functions, strictly and quasi-governmental, have the municipalities undertaken?

   a. What has been done, for example, in regard to municipal ownership and operation of utilities?

   b. How have education and other cultural activities been handled and what has been the relationship at such points between municipal and national governments?

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The "Open Back Door" — A Case Study

Experience in Michigan indicates that this provision works unmerited hardship on public employees and increases costs to taxpayers.

By EDWARD H. LITCHFIELD
Brown University

SINCE America has spent the last decade in earnest consideration of problems of economic security for the average man, it is not peculiar that public employee organizations should today be questioning the reasonableness of the "open back door" device.

The issue has probably been most bitterly disputed in areas of alternating party control where the provision has proved a convenient method of removing from the public service persons whose known party affiliations conflicted with those of the victorious party. Again, it would appear to have been a particularly important issue in those agencies where differences in fundamental social philosophies exist, such as unemployment compensation commissions, departments of labor, and even in tax departments.

In this latter respect the open back door controversy but reraises in specific form Laski's contention that civil service employees too frequently represent social and economic classes antagonistic to those in control of the government and, therefore, tend to undermine the program which the government has been elected to carry out.[1]

Among other points there is implied in his contention the suggestion that there should be considerable ease in removing such employees and in replacing them with others whose social and economic philosophies are not so removed from those of the government in power as to make it impossible for them to coöperate with the new administration.

In contrast with this is the employee demand for job security whatever the broad consequences of the policy.

In so far as the open back door issue is raised in these broad terms posited by Laski, the controversy moves beyond the question of employee security versus partisan freedom in appointment and removal into the larger field of employee security versus the satisfactory implementation of broad programs of social reform or retrenchment. The issue thus restated removes the question from the psychological confines of "merit" versus "patronage" or good versus evil, and permits a discussion of the question on its merits.

This paper does not pretend to discuss the whole issue. It attempts no

[1]H. J. Laski, "The British Civil Service," *Yale Review,* Winter 1937; "The Colonial Civil Service," *Political Quarterly,* October 1938; "Bureaucracy," *Encyclopaedia of the Social Sciences,* vol. 3, 70-73.

more than a presentation of a case study showing the actual treatment of employee groups by the open back door device. It would seem to be patently true that the contention of employee-injustice cannot be satisfactorily evaluated in terms of the opposing view of greater administrative efficiency until such facts are available.

Michigan instituted civil service in 1937. Contained in the bill proposed by the Governor at the suggestion of a study commission,[2] and passed by the legislature, was a wide open back door.[3]

"FOR GOOD OF THE SERVICE"

Briefly, the dismissal procedure which was provided for and which has been employed ever since is as follows: the department head may dismiss an employee "whenever he considers the good of the service to be served thereby";[3] notice of the intended dismissal must be filed with the personnel director who in turn must make "such investigations of the circumstances surrounding the dismissal and the fairness thereof as he may consider desirable and shall, not later than ten days after submission of the notice of dismissal, report to the commission his findings as to the justice of the dismissal and recommend action";[3] this may be followed by a written statement by the employee concerning the circumstances surrounding the dismissal; finally, after due consideration of the statement of the employee and the recommendation of the director, the commission may recommend to the appointing authority the rescinding or at least the modification of his original action. In the event that the appointing authority proved unwilling to take either of these steps, provision was made by the commission for placing the name of the discharged employee on a reëmployment register for purposes of subsequent certification.[4]

The philosophy of this device is clear. Designed to answer the charge that civil service "breeds loafers," it holds that adequate protection is provided the state if the new employee is selected by merit procedures and that satisfactory protection is afforded the worker if, after an unwarranted dismissal, his name is placed upon a reëmployment register.

The question raised here is as to the sufficiency of the latter protection. The period selected in which to test this proposition began May 1, 1939, and terminated January 31, 1940. It was a period in which a Republican administration was installing itself in place of a Democratic administration, a new civil service was replacing the old one, and a time during which the open back door was constantly employed.

During this period there were 622 dismissals from the classified service alone amounting to approximately 7.6 per cent of the total classified service.[5]

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[2]Report of Michigan Civil Service Study Commission, (Lansing, 1936) sec. XVII, pp. 72-74.

[3]Act no. 346 of the Public Acts of Michigan of 1937, sec. 17.

[4]Rules of Michigan State Civil Service Commission, 1938, nos. 13 and 23.

[5]William E. Mosher and J. Donald Kingsley, *Public Personnel Administration,* (New York, 1936) p. 341, report an average of but .9 per cent of the classified employees dismissed in nine representative jurisdictions in the year 1932 in which there were an unusually large number of new administrations. The Michigan

For one reason or another the commission considered but 220 of these dismissals.[6] After hearing them the commission held that ninety-three were for the "good of the service" but that 127 of them were definitely unjustified.

Three questions are raised by these data. First, were the commission's findings impartially reached? This must probably be answered in the affirmative for not only did the commission follow the recommendations of a clearly non-political director in all but one instance, but the dismissed employees belonged to a party which had representation on the commission equal to that of the party responsible for the removals.

NO REVERSALS

The second question to which the data give rise concerns the number of instances in which the decision which was reversed by the commission was subsequently modified by the appointing authority. The answer is that among the 127 cases of reversal there was not a single revision of a previous decision by any of the appointing authorities involved. For all practical purposes, therefore, the review of the case by the commission served no other purpose than to determine whether or not the dismissed employee's name should be placed upon the reëmployment register. In other words, the answer to this second question does no more than concentrate attention upon the effectiveness of the reëmployment register device as a protection against arbitrary discharge.

The third question presented is in regard to the disposition of the 127 employees who were unjustifiably dismissed, who were not taken back by their supervisors after the commission's reversing recommendation, and whose names were placed upon the reëmployment register.

These dispositions are contained in the following table:

1. Employees suspended from reëmployment register for failure to respond to communications from the Civil Service Department	8
2. Service rating which placed employee so low on register as to make appointment highly improbable[7]	7
3. Class subsequently unclassified with consequent destruction of reëmployment registers for the group	6
4. Reappointed	9
5. Number refusing reappointment	5
6. Number never certified from reëmployment registers	54
7. Number certified but never reappointed	16
8. Number never reappointed for miscellaneous reasons outside their control	10
9. Dismissal too recent to be indicative	12
Total	127

Analysis of this table leads to the following specific conclusions:

percentage is therefore between eight and nine times as great as the average.

[6]For the most part this was due to the fact that the persons dismissed frankly admitted having participated in political affairs to a greater extent than was permitted under the statute and hence raised no official protest when dismissed.

[7]The names on the reëmployment register are arranged in order of their last service rating. In some instances these were quite low. But since the ratings were those of the supervisors of the previous administration it could not be charged that they were prompted by the same motives as dictated the dismissals themselves.

1. In 15 or 11.8 per cent of the cases (groups 1 and 2 above) the employees had only themselves to blame for their failure to be offered reappointment;

2. In 6 or 4.7 per cent of the cases (group 3) the explanation is found in changes in the framework within which the whole program was carried on and hence outside the control of the specific device examined here;

3. In 14 or 11 per cent of the cases (groups 4 and 5) the reappointment device worked satisfactorily and thus modified the rigidity of the dismissal procedure;

4. In 80 or 63 per cent of the cases (groups 6, 7, and 8) reappointment was never realized for reasons beyond the control of the employee and without regard for over-all changes in the whole system;

5. Finally, there were 12 cases or 9.5 per cent (group 9) in which no conclusions may be drawn.

In other words, while in 22.8 per cent of the cases the reappointment device either worked satisfactorily or the employee had only himself to blame for its failure to do so, in 63 per cent the system by reason of its own intrinsic weaknesses failed to offer the employee any real security against his unjustified dismissal. Almost two-thirds of those unjustifiably dismissed have never had an opportunity to return to work despite their apparent willingness to do so.

If the percentage of these cases were relatively small, the student of government, as distinct from the union official, might be willing to overlook them in view of the advantages which probably result from the flexibility of the dismissal power in the hands of the appointing authority. A 63 per cent injustice, however, would appear to be higher than those advantages would warrant. The conclusion seems inescapable: the open back door procedure in this jurisdiction has not been satisfactorily mitigated by the process of placing the names of the unjustifiably dismissed employees on reëmployment registers for future certification.

LOW INCOME GROUPS AFFECTED

Additional specific conclusions may be obtained by distributing the cases into the several general class levels. When thus organized according to the rank from which the employees were removed, the data show that 107 of the total, or 84.2 per cent, fell into the compensation levels between $900 and $1,920. In other words, almost all dismissals fell into the lower income groups which, with their then lack of union organization, were the least articulate in their protestations against arbitrary procedures.

Again, it is instructive to point out that four agencies were responsible for 72, or 57 per cent, of the total number of dismissals. One agency alone dismissed 30.9 per cent of the group. The fact that one agency could dismiss so many employees without justification and without the least hindrance is indication of the extent to which the open back door may be abused. In this instance not one of the thirty-nine persons dismissed in this department was ever rehired from the list upon which his name was placed. Surely from the employee's point of view this is the open

back door in its least satisfactory form.

In short, a review of the dismissal statistics covering this nine-month period indicates that, while better than the 25 per cent turnover under the old patronage system, the existence of the open back door provision nevertheless makes the government of the jurisdiction one of the least satisfactory employers in the area. Promoting the concept of job security, as it does for private employers, its practices seem the more difficult to justify.

In view of this discrepancy between precept and practice, it is certainly not surprising to find pronounced employee reaction against the government. Some indication of the extent of this reaction may be seen from the fact that during approximately this same period 1,138 out of a total of 16,666 state employees or 6.8 per cent resigned from the state service. This was a higher rate of turnover due to resignations than was reported by Mosher and Kingsley in eight out of ten jurisdictions during the years 1931-3,[8] though altered economic conditions in the period since 1933 may partially account for this variation.

Almost one third of the people resigning during this period specified the uncertainty of their jobs as the principal reason for their departure. While they were unquestionably influenced by other aspects of uncertainty in the system as it then existed in this jurisdiction, it must also be clear that the arbitrariness of the open back door was a factor which contributed to the general result.

[8]Mosher and Kingsley, *op. cit.*, p. 295.

Calculated in terms of the use of the tax dollar, the open back door would seem unwise because of the considerable additional turnover cost which it creates both directly through dismissals and indirectly through the resignations which it encourages. When the number of these resignations (1,138) is added to the dismissals already enumerated (622) a total of 1,760 employees may be seen to have been separated from the service either directly or indirectly as a result principally of the open back door.

TURNOVER INCREASES COSTS

Calculated in terms of the same general formula employed by the Michigan Civil Service Study Commission[9] this unnecessary turnover cost the state approximately $679,332.[10] While neither the formula nor the product pretends to be precise they both give an approximate idea of the cost involved.

In short, the facts pertaining to this particular jurisdiction suggest two conclusions regarding the open back door: (1) it works considerable injustice upon the individual employee; (2) by reason of the unnecessary turnover which it creates it increases personal service costs. Judged from either point of view—employee or taxpayer—there appears to be need for the revision of the system in this jurisdiction. Finally, if the conclusions set forth in this case study

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[9]Report of Michigan Civil Service Study Commission, p. 43.

[10]The formula is: total payroll costs multiplied by the percentage of turnover (10.6%) multiplied by 25% (the annual cost of training a new employee).

The First Hundred Years

Despite more than a century of consolidation Boston and Suffolk County are still wrestling with vexatious problems of courts and taxation.

By RICHARD A. ATKINS
Boston Municipal Research Bureau

WHILE speaking of county government in large urban centers, Professor Paul Studenski has said, "The presence of a metropolitan city within the political boundaries of a county raises serious problems relating to duplication of work and conflicts of authority arising from the co-existence of two conspicuous units of local government."

Such co-existence and related problems were very much on the minds of the people of Boston when they gathered at Faneuil Hall in October 1821. Convinced that their 200-year-old town meeting had outgrown its usefulness, they instructed a committee whose membership included Daniel Webster to draft a plan for city government. Among the practical necessities behind the overturn was Suffolk County, which then consisted of Boston and its neighbor Chelsea—a town sprawled across the salt marshes to the north. Whereas the immediate point at issue was civil administration by judges, the real trouble was the "presence of a metropolitan city within the political boundaries of a county."

In outline the solution was simple and rigorous. The new city and the old county were partially consolidated by depriving the judges of their civil powers and by entrusting general county administration to the mayor and aldermen of Boston. Chelsea was quieted by perpetually exempting the town from payment of county taxes. A decade later, in 1831, Chelsea was persuaded to relinquish all title to county property. It reserved the right to withdraw from Suffolk, but for reasons which will become apparent neither Chelsea nor its offsprings (Revere and Winthrop) ever elected to dissociate themselves from an increasingly profitable settlement.

After a hundred years the basic features of the consolidation are in effect. Suffolk County today is little more than a judicial district and an area for public records and criminal prosecution. Like other Massachusetts counties, it serves as a device for local distribution of judicial costs.

In dealing with a merger of relative antiquity, it is impossible to be certain as to what, precisely, has been consolidated. For guidance one must look at other Massachusetts counties. First of all there is no board of county commissioners or county treasurer in Boston. The mayor performs the executive functions of such a board and the city treasurer is ex officio county treasurer. The city council exercises the legislative powers of county commissioners—infrequently, to be sure, but often enough to impress the members with their added dignity.

Boston's equivalent of a county sanatorium is a division of the city hospital. City pavements leave no room for county aid to agriculture or

county agricultural schools. Boston abandoned its counterpart of the county truancy schools. The mysterious and rather circumscribed highway authority of the county commissioners is buried deep in various city departments. Similarly the county house of correction and the power to parole prisoners committed there are under the penal institutions department, a city agency in everything except name. Seven outlying district courthouses in Boston are likewise maintained by a division of the public buildings department of the city.

County payments and collections affecting Boston clear through city finance departments. The county budget does not go to the legislature, as is the Massachusetts practice, but rather is prepared by the city budget department, presented by the mayor, and passed by the city council. There is, of course, no separate county tax. Suffolk County requirements are merely one of numerous items of expense entering into Boston's tax levy. County debt is simply city indebtedness incurred for county structures, and it is governed by the same legal restrictions.

Inasmuch as virtually all Suffolk County departments are agents of the commonwealth, performing services which Boston as a municipality cannot furnish itself, there is little duplication of effort between city and county. District courthouses are maintained by the city; a special commission consisting of the sheriff and one appointee each of the governor and the supreme court is in charge of the central courthouse. Since the commonwealth helped build and now contributes toward maintenance of a huge PWA addition where numerous statewide activities are housed, it demanded a voice in courthouse operation. Mention has been made of city control of the house of correction; the county jail (which happens to be both a penal institution and a place of temporary detention) is under the sheriff's custody.

There is a parallel between the work of the city clerk, who records chattel mortgages, wage liens, and the like, and the county register of deeds. Police prosecute cases in the lower courts, and the district attorney in the superior criminal court. Work of the medical examiners is also allied to the police function.

No one could conceivably compute savings from the city-county amalgam, or finally judge its various benefits. Yet Boston may be grateful that its citizens long ago refused to tolerate a full-fledged county government side by side with the city. There could be no thought of approaching county questions in Boston other than in terms of the city-county merger. What follows is a review of its weak points and not a challenge to the union.

REPRESENTATION WITHOUT TAXATION

Chelsea, Revere, and Winthrop have been thorns in Boston's side as long as anyone can remember. A century ago county population and property valuations outside Boston were infinitesimal. Over the years, however, the balance of the county has grown steadily. With a population now of 92,120, it accounts for 11 per cent of the county total and contains 7 per cent of valuations in Suf-

folk. As matters stand, Chelsea, Revere, and Winthrop are relieved of $220,000 in legitimate county taxes.

The straightforward answer would be to detach these three places and annex them to either Middlesex or Essex County. Unfortunately Chelsea and Revere are Democratic, while Essex County politics has a federalist tinge that goes back to the period when Fisher Ames and Timothy Pickering made the north shore towns a breeding ground for plots of the Essex Junto. Middlesex County is one of the largest Republican strongholds in the country.

To fill a legal vacuum the common council is privileged to exercise the authority of county commissioners in Chelsea. Formerly the Middlesex commissioners stepped outside their own domain to act in a similar capacity for Revere and Winthrop. In return the voters of these two Suffolk County municipalities participated in the selection of Middlesex commissioners. Although all such extra-territorial jurisdiction added up to nothing, its practical importance became apparent in 1934, when results in Revere and Winthrop were enough to swing a Middlesex election for county commissioner out of its accustomed orbit.

After this vivid object lesson the legislature addressed itself seriously to Suffolk County. Its first impulse was to permit the Middlesex commissioners to act on behalf of Winthrop but not Revere—a distinction which the Democratic governor was unable to appreciate. In 1939 it decided to let the selectmen of Winthrop have the authority of county commissioners for what it was worth and to elevate the Revere council to the status of their Chelsea brethren. Having achieved its substantial ends, the legislature resumed its normal habit of regarding Suffolk County changes with indifference.

Meanwhile Boston goes on paying county bills. These take such curious forms as support for families of prisoners in the house of correction from Chelsea, Revere, and Winthrop. Possibly the most irritating payment occurred in 1938, when Boston was obliged to meet the expense of a special investigation of municipal turpitude in Revere.

EXCLUDED MATTER

While Chelsea, Revere, and Winthrop are the obviously aberrant feature of Suffolk County, other phases of the city-county merger will also be of interest. One question naturally is: What agencies are not consolidated with the city government of Boston?

The briefest answer would be the courts. Agents of the commonwealth, they employ county personnel, use county structures, and charge most of their expense to the county, i.e., Boston. At the apex is the state supreme court, which rarely ventures outside Suffolk. Two courts of special jurisdiction are the land court, sitting in Suffolk for the entire commonwealth, and the probate court. In point of jurisdiction the more important trial court is the superior court, a state-wide agency organized on a county basis for civil and criminal business. Lower courts include the children's court and the Boston municipal court serving the in-town section of the city, and the eight outlying district courts—seven in Boston and one in Chelsea.

Independent officials elected by voters of the whole county include the clerks of the civil and criminal branches of the superior court, the register of probate, the register of deeds, and one of the supreme court clerks. The district attorney and the sheriff round out the group. The sheriff requires an added word of explanation, for he is chief court officer in the supreme and superior courts as well as jailer and member of the county courthouse commission. What relation these officials bear to the city is best indicated by an opinion of the supreme court to the effect that the Suffolk sheriff is "not an officer of the city of Boston and is not subject to the supervision and control of the mayor."

Another independent agency is composed of the index commissioners, an ad hoc board appointed by the superior court to consolidate indexes in the registry of deeds. The governor names two medical examiners and their associates, who, as everyone will understand, are part of the Massachusetts answer to the elective coroner.

A CONTENTIOUS COUNTY

State and local costs of the courts in Suffolk are some $3,400,000 a year, of which Boston pays about $2,500,000. While the city's share of supreme court expense appears disproportionate, its real concern arises from the fact that it is by all odds the center of judicial business in Massachusetts. Approximately half the trial court entries are in Suffolk County, which has only one-fifth the state population.

Are Suffolk residents contentious? As the commercial core of a wide area, perhaps Boston unavoidably attracts litigation—its heavy court expense merely illustrates the accumulation of governmental requirements at the hub of a metropolitan region. On the other hand, there has always been a feeling that the laws of venue unduly penalized Boston, although the judicial council, after a statistical sampling, rejected the proposition without altogether refuting it.

In any event, Boston is powerless to affect the situation. Not only are the courts a department of state government, they are also—with the legislative and executive—one of the three great divisions of popular authority. The Massachusetts constitution contains a classic statement of the separation of powers. Issues which reach the nub of judicial expense are not a local affair. Only the legislature can consolidate courts, eliminate sessions, or abolish statutory positions.

SOURCES OF ABUSE

Much has been said about mixing administration and politics. In Boston the debate—which often moves on a theoretical plane—has come down to earth. An elective clerk of court, whose duties were as purely ministerial as those of a registrar of vital statistics, was convicted a short time ago of extorting employee contributions. At present his case is being appealed. Recently a bar association inquiry pointed to shocking abuses by the sheriff. The then incumbent resigned under fire and fled from the city. In each instance order was restored by unexceptionable interim appointments.

It seems clear that the county sys-

tem lends itself to abuse. Aside from the district attorney, elective offices are dimly understood. At the same time they are eagerly sought, and the exertion necessary to win a county-wide job makes it unlikely that anyone will enter office free of obligation. Suffolk County is lopsided in its politics; nomination in the Democratic primary is equivalent to election. With a multiplicity of candidates, the element of chance figures too strongly in the selection of officials who must be competent administrators and well acquainted with the law. The court clerk now awaiting the outcome of an appeal was one of fourteen contestants in a primary where 10 per cent of the registered vote of the county was enough to put him in office.

Possibly the saving grace in this absurd scheme is the regularity with which incumbents are returned. Once a county officeholder has established himself without offending public sensibility he is often as not re-elected to his post for a generation. One might add that he is assisted by opportunities for building a personal organization—a most important measure of political strength in Boston.

LOCAL CONTROL OF STATE GOVERNMENT

Review of experience elsewhere suggests that complete city-county merger is exceedingly complicated. Soon or late the consolidation process encounters a variety of state judicial and independent elective officers who for constitutional or other reasons cannot be brought under local control. Consequently, difficulties arise when the local party to the merger attempts to exercise administrative supervision over the unalloyed residue. A few examples will illustrate the point.

Boston administers a personnel classification plan and salary schedule for Suffolk County employees. Coupled with the budget power, they should give the city rather full control of the number and compensation of county personnel. Exemptions, however, are numerous and efforts to create statutory positions still continue. After meeting city opposition to a salary increase for probation officers, the municipal court judges secured a special law to make doubly certain that Boston would have no voice regarding pay for such employment. As a sample of how lightly the city is held in some circles, the bailiffs of the superior court had themselves exempted from the compensation schedule in 1938. Already as well paid as police lieutenants or fire captains, they apparently hoped for better things by having the judges fix their salaries.

Five-sixths of the county employees are outside the Massachusetts civil service as applied to Boston. Appointing authorities are so numerous that each county department is a source of personal and political patronage. How much value is placed on appointments was evident when a lower court judge in Suffolk locked in open controversy with his court clerk over the selection of an underling.

Doubt hangs over the city's budget power. It has had little success in enforcing its "no-hire and no-fire" policy among county departments. An attempt to block a lower court appointment brought a lawsuit down on the head of the budget commissioner.

Plainly Boston cannot obstruct the operation of the courts and it cannot refuse funds for purposes designated by the legislature. Changes in county budget requests are suggested and obtained; but in the absence of clear-cut authority, personal considerations weigh heavily. On the reverse side, the same type of problem comes up with respect to county payments. For a number of years Boston has been developing a system of pre-audit control. Through a working formula it has been applied to county departments. Nevertheless, the statutes are not clear as to whether the courts or the city auditor has the right of way in event of a dispute.

Voluntary action by the present sheriff in routing his jail purchases through the city removed a controversial issue from the county scene. Attention is still devoted to the office supply and printing bill of the county, not because the amount is large but rather because the municipal printing department gets only a fraction of the business. Seven years ago the city council conceived a novel, if ill-founded, idea for compelling use of the city printer; it simply withheld the office supply item in the superior court and registry offices. A stir naturally followed. Funds were provided before a showdown, but the judicial council was prompted to make a sharp comment about city "domination" of the courts.

SHAPE OF THINGS TO COME

Through the exercise of a little imagination it is possible to see how Suffolk County could be completely absorbed between the state and Boston. Practicalities are not so simple. The clerks of court, the register of probate, and the sheriff have a constitutional standing. Some of the obstacles to revision of county boundaries have been touched upon. County officials have never shown enthusiasm for civil service and are regularly mindful of their independence. Individuals with a county connection must be reckoned with in the legislative corridors.

Boston, nevertheless, cannot afford to let its county case go by default. It should insist, if need be, on a county confined to city limits until the legislature agrees out of sheer boredom. Recent courthouse disclosures have removed the last trace of justification for spoils in the county departments. While a tedious prospect, a start should be made to remove administrative posts from politics. Wider assumption of court costs by the commonwealth would be a logical step in the process of unifying the state judiciary and disposing of the clash of authority entailed by local control of state government.

The judicial council, the bar association, and the administrative committees of the judges are introducing improvements at a rate calculated to accommodate legal institutions. If laymen went to greater lengths to understand the aims and methods of judicial reform, the pace might be quickened and the burden of the courts would rest more lightly on the community. Thus the problems—many of them happily eliminated—arising from the "co-existence of two conspicuous units of local government" in Boston might be solved.

Canadian Cities Face Financial Dilemma

Superficial prosperity brought by war boom has temporarily aided cities; but financial reform is more urgent now than in the past.

By LAWRENCE JACK
Sun Life Assurance Company of Canada

THE war boom has had the effect of superficially helping out municipal finances in Canada. Even in the prairie provinces, where the wheat surplus has achieved an ominous size, the federal government has guaranteed a fairly decent minimum price for wheat and thus has maintained farm income fairly well.

Unemployment relief charges have been greatly reduced, but this has not been evenly distributed. Quebec, for instance, because of its high concentration of unskilled workers, now has 50 per cent of the total unemployed people in Canada as opposed to its normal 35 per cent.

In general, however, municipal expenditures have tended to fall off, tax collections are much better than at any time in the last ten years, a great deal of property formerly seized for tax arrears is now being liquidated, industrial construction is booming, and even home building is on the up grade.

Since municipalities are being discouraged from borrowing during the war emergency and since, with the exception of some of the larger centers, most borrowing has been done on a serial basis, the municipal debt situation should be vastly improved by the end of the war. Certainly there should be very few defaults because of refunding difficulties. There is little likelihood that the federal government will invade any municipal tax fields, although it may encroach on provincial tax sources.

This improvement, however, is bound to be only temporary if past history is likely to be repeated in any degree. There is almost certainly going to be a slump in employment after the war and before transition to a peace-time economy can once more be made.

Municipalities will, therefore, be faced again with the fundamental problems with which the Royal Commission on Dominion-Provincial Relations sought to grapple. And unless some thorough overhaul can be made of the present system of passing the buck on unemployment relief to municipalities a great deal of trouble lies ahead for Canada's local governments. Thus, although the commission's recommendations may not seem so vitally pressing in view of present abnormal circumstances, the future is so loaded with dynamite that the need for reform is probably more urgent now than in the past.

A conference between the federal and all provincial administrations, convened on January 14, 1941, to consider the commission's report, collapsed after only two days' debate under the uncompromising attacks delivered by the Premiers of Ontario, Alberta, and British Columbia. These

three provinces enjoy the highest per capita incomes in Canada so their objections were directed primarily against dominion subsidies to the poorer provinces and loss of existing taxing powers. An added complication was the violent personal feud between the federal government leader and Ontario's Premier, even though both are members of the Liberal party.

This fiasco, however, is looked upon as only the first round in the struggle to implement the commission's report and cannot be taken as indicating total failure. It did indicate that full agreement on the report will be a long time coming in spite of the pressing need for quick action on its recommendations.

CITIES CHIEF SUFFERERS

It is notorious that in the last decade among all governmental units municipalities and municipal credit and finance were the chief sufferers from depression. In the Canadian federal system this was bound to be the case because the main depression problem—unemployment relief—was shifted as far as possible to municipalities, but in the scramble for tax revenues local governments were bound to come a poor third to federal and provincial claims.

Municipal difficulties, however, were only one aspect of the tangled mess that the Canadian federal financial system had gotten into after more than sixty years of operation. The Royal Commission, therefore, was set up in the fall of 1938 to study the problem of dominion-provincial relations and to develop a long-term solution in this sphere of federal finance. The scope of the commission's inquiry was limited because municipal activities are directly under provincial control, and Canada has never developed the type of federal-municipal relationship which has come into being in the United States, and which has developed so rapidly through activities of PWA and other agencies.

In their recommendations, therefore, the commission refrained from making specific suggestions for municipal reform except where the problem fell within the scope of dominion-provincial relations. Its guiding idea was so to relieve provincial finances that the way would be open to municipal reform through provincial action. But even with this limited approach it was inevitable that some of the commission's recommendations would be of direct benefit to municipalities if they were to have any validity at all in the wider field of federal finance.

In any event, municipal problems were recognized and considered on their merits because the commission was concerned with making Canadian federalism work better and it fully realized that sound local government is the basis of an efficient federal democracy. Since municipal authorities went to great pains to present their problems to the commission, parts of the official testimony presented a good picture of municipal difficulties in all Canada's diverse economic regions. This good work was supported by research done by the commission's staff.

The essentials of the commission's recommendations are easy enough to grasp although the detailed workings of the scheme are too complicated to be summarized here. First of all the federal government would take over

responsibility for all unemployment relief. In Canada relief is constitutionally a municipal responsibility and throughout the depression, even though municipalities were patently unable to carry the load, the ultimate legal interpretation was strictly pressed and both federal and provincial governments consistently passed the buck to the hard-pressed cities.

LOANS FOR RELIEF

As a matter of fact, the federal government paid about 40 per cent of unemployment relief costs through the medium of emergency loans to the provinces (which were supposed to meet a portion of the charges) and municipalities paid only about 17 per cent of the total. In theory these federal grants were only loans, although in actuality most of them had to be written off. The difficulty lay, however, in the fact that a municipality would have to show absolute need for even such indirect aid before it could be had and this, of course, led to complete exhaustion of normal municipal resources before such a claim could be made or entertained.

The second point was that the federal government would take over all provincial (but not municipal) deadweight debt. An interesting variation had to be made, however, in the case of Quebec, where provincial debt is an extremely small proportion of combined municipal plus provincial debt because so many governmental functions have been made municipal responsibilities, whereas elsewhere the provinces assume these burdens. In Quebec, then, the federal government would take over 40 per cent of the total of provincial plus municipal debt, thereby directly relieving local governments of some of their swollen debt burden.

The third recommendation was that the federal government should administer a complicated system of direct subsidies to the provinces. Rather than distributing money to the provinces on the present indefensible per capita basis the federal government, on the advice of a projected permanent National Grants Commission, would make the new subsidies on the basis of proven need. In this manner provincial budgets would be placed in balance because the grants would be irreducible and they might be enlarged in case of future need. The guiding principle here was that poor provinces should be enabled to improve the quality of services rendered to at least the dominion average without having to resort to excessive taxation or transference of responsibilities to local governments.

In return for these very considerable concessions the provinces would be required to release to the federal government their rights to levy personal income, corporation, and inheritance taxes. This would directly affect only a limited number of communities which at present levy their own private income taxes. A less specific recommendation, however, would cut more heavily into municipal revenues because the commission took pains to point out that the federal government should discourage direct taxation which bore heavily and inequitably on business costs or consumers. It was thus their intention that municipal sales taxes, discriminatory chain store taxation, and other

forms of taxes on business other than real estate levies, should ultimately be surrendered.

The result of these recommendations, therefore, would tend ultimately to reduce municipal revenues in some instances. The only really important case, however, would be the city of Montreal, where there is both an income and a sales tax, but the combination of relief from unemployment expenditures and reduction of debt load would much more than outweigh any loss arising from removal of these income sources.

The gain to municipalities in the various provinces has been worked out by the commission on the basis of estimating average unemployment relief outlays over the past few years and correcting this total for loss of municipal income taxes or provincial subsidies as shown in the following table:

Prince Edward Island	$ 64,000
Nova Scotia	194,000
New Brunswick	—40,000[1]
Quebec	12,967,000[2]
Ontario	2,388,000
Manitoba	2,457,000
Saskatchewan	500,000
Alberta	1,092,000
British Columbia	760,000

It was pointed out by the commission that direct relief afforded to municipalities by its recommendations would probably enable some reduction of real estate taxation. Canadian municipal revenues have averaged about 30 per cent of all government income in peace time and 80 per cent of this amount was derived from real estate taxation. In too many instances this has been so high as to be virtually confiscatory and has been blamed for the lag in construction when other business improved. However, direct gains to municipalities when relieved of responsibility for unemployment relief has been estimated at 8 per cent of all municipal real estate taxation. This relief would be felt chiefly in the most depressed areas, of course, but it would be measurable everywhere.

The remainder of the commission's recommendations with regard to municipalities have to do with application of what they considered to be the best theories and practices of municipal government to the Canadian situation. None of them arises immediately out of the main plan but they are useful and necessary adjuncts to the direct relief to municipal finances which would arise out of the master plan. Most of the recommendations have no novelty for municipal administrators but they may be of some interest because they are the considered opinions of men who were concerned to find the most efficient way of introducing sanity into the muddle developed by the Canadian federal system of finance. Furthermore, the commission was not afraid to recommend constitutional changes which would provide the means of coercing any recalcitrant municipalities.

To begin with, the commission felt that a new alignment of municipal boundaries was long overdue so that the costs of carrying out necessary governmental functions would correspond with ability to pay for them more closely than at present. The

[1]Net loss due to surrender of St. John City income tax.

[2]Including estimated relief arising from removal of a portion of municipal debt charges.

commission felt most strongly on this score in the cases of Canada's few metropolitan areas and purely agricultural country districts in general. In the former case the problem of bankrupt working-class dormitory suburbs was felt to be most urgent, although it was recognized that federal assumption of unemployment relief costs would greatly ease the situation as it exists at present.

POOLING RESOURCES

In the case of rural communities the need for pooling resources to maintain adequate road and educational facilities was uppermost in the commissioners' minds. In fact, it is not too much to say that the commission was in favor of pooling municipal resources and equalizing municipal services wherever it would be feasible to do so. It was recognized that this would be one of the hardest things to accomplish on a voluntary basis, especially in metropolitan areas where high-income residential districts, at present under autonomous governments, would bitterly resent being included with other areas of the city. As will be seen later, however, the commission contemplated giving the provinces a very big stick to deal with such cases.

The commission tried to formulate a rule to introduce somewhat greater equity into real estate taxation. It recognized the validity of widespread claims to the effect that the real property tax burden was generally too high, that it varied enormously in relation to income from property, that it sometimes amounted to a forced and inequitable capital levy, and that it had caused widespread abandonment and destruction of property in the last decade.

The recommendation which was made, therefore, proposed that, while property should be taxed at least enough to cover costs of services rendered to it, a rebate should be allowed on the tax applying to improvements (not to land) if it could be proved that the property in question had not been rented for, say, six to nine months in the current tax year.

It was recognized that this would make for unstable revenues under certain circumstances, but the only time when this would be important would be during a depression when revenues would have only a superficial aspect of stability in any event and would be bolstered by uncollectable tax arrears. And in such cases it was felt to be grossly inequitable to confiscate the property of those who have been the chief sufferers from adverse rental conditions. Perhaps this suggestion amounted to counsel of perfection, but it at least showed a keen appreciation of the disabilities under which real estate owners must operate.

A very welcome recommendation from the municipal point of view dealt with the taxable status of property owned and operated by a superior government, whether provincial or federal. It was strongly urged that if such property is used for commercial purposes (such as electric power plants and distribution facilities or government liquor stores) it should be taxed at the going rate for ordinary private commercial property. A harder case arises when this type of property is non-commercial, as for example military establishments. It was felt that in this case a munici-

pality should be enabled to levy taxes that would at least cover the costs of services rendered. It was recognized that it would be most difficult to lay down any general rules, however, for the presence of such an institution may greatly benefit adjoining property and may even be the chief justification for a municipality's existence. In either of such cases excessive taxation should not be permitted.

Finally, it was recommended that constitutional amendments should allow provinces to exercise sweeping powers over municipal finance. This would extend much further than existing controls over municipal auditing, accounting, tax rates, and debt incurrence to embrace specific power to legislate in respect of municipal debt, whether or not the municipality concerned should be solvent at the time. This would be important when and if metropolitan areas should be consolidated, for then municipal units with very different credit ratings would have to be handled on the same basis, and possibly arbitrarily.

As a matter of fact, provincial authorities have already established the right to intervene when a municipality is in default. The commission, however, felt that this power should be extended as outlined above. During the depression municipal defaults arose chiefly in working-class dormitory suburbs, one-industry towns, and rural and dependent urban units where the whole area had been hit by natural disaster. Defaults in the first class, however, were the most important and the most difficult to remedy under existing conditions, so that it was felt that imposed metropolitan amalgamations would be the only feasible solution. In that event the type of power proposed by the commission would be absolutely necessary if provincial authorities were to make the changes expeditiously.

It is obvious that the commission's report is only a partial solution for municipal financial difficulties; furthermore, it goes a long way towards centralization, and this is always unwelcome to many. The first was the inevitable result of the commission's sphere of reference; the second seems for better or worse to be the main trend of financial developments in all federal countries.

Some municipal authorities were disappointed that federal subsidies for education and health purposes were not recommended. It was pointed out, however, that education was so purely a local function—and in the case of Quebec, and to a growing extent other provinces, a matter for religious controversy—that the federal government should not attempt any form of control—and if it granted subsidies control would be bound to follow sooner or later.

It was also felt that the country was not as yet ready to receive any comprehensive proposal for centralizing responsibility for health services. As pointed out before, the commission felt that if provincial finances could be put on a sound basis municipalities would enjoy substantial benefits.

Federal assumption of unemployment relief and a portion of municipal debt in Quebec would give enough direct benefits to grant a breathing spell until provincial authorities could take up the pressing question of municipal reform on a rational basis.

(Continued on Page 103)

Researcher's Digest: February

Cooperation in the Golden West; Providence describes Rhode Island's government; how reports should be made to the citizens.

THERE are forty-five cities in the Los Angeles metropolitan area whose total population, including unincorporated sections, is over 2,700,000. The unique factor in what seems to be an average American metropolitan set-up is this: all of these cities are not only within a single state, but also within a single county.

That fortunate circumstance plus, perhaps, some additional courage to innovate which may be filtered out of the California sunshine and rain, has put the Los Angeles metropolitan area in the forefront of the experiments in intergovernmental coöperation. The **Bureau of Governmental Research of the University of California at Los Angeles** has distilled this coöperative experience and put it into a sixty-one page (mimeographed) pamphlet, *Intergovernmental Coöperation in the Los Angeles Area* (December 1940, price 50 cents).

It makes interesting reading. Cooperation, we learn, extends not only to the prosaic minutiae of public administration but also to the lending of policemen for the handling of traffic for the New Year's Day Rose Bowl football game, to the joint guarding of Douglas Aircraft, to the creation of coöperative machinery in the rather awesome expectation of "major disaster."

Every municipal function is discussed in this pamphlet, with apparently complete notation of the machinery of intergovernmental coöperation, as well as of its subject-matter. Thrown in, besides, are some types of governmental activity not strictly "coöperative," such as the assumption of the weights and measures function by the county of Los Angeles. The state comes into the picture, too, in such fields as personnel administration.

State Government in Capsules

Not to read through at a sitting, but to lay by on a convenient shelf and pick up for quick reference, is *Your State, A Description of the Organization and Operation of State Government in Rhode Island,* which the **Providence Governmental Research Bureau** has just published (December 1940, price 50 cents). Impetus for the project came from the recent reorganization of Rhode Island state government, and from the realization that the changing economic and governmental scene on the national level has had widespread effects upon state government. Each division within each state department gets a few paragraphs in this workmanlike publication, with a listing of duties, a brief description of the organization, and a line on the number of employees and the size of the appropriation.

Dayton Asks Better Reports

A blast on inadequate governmental reporting to citizens comes from the **Dayton Research Association** in *Facts* for January 6, 1941. What the bureau wants is: words for citizens in their own language, more and clearer statements on all aspects of governmental finance, omission of bragging, too much information rather than too little.

Research Bureau Reports Received

Finance

Build on a Pay-As-You-Go Basis. Ohio Institute, Columbus, *The Ohio Citizen,* January 7, 1941. 3 pp. mimeo.

Wayne County's Interest in State Grants-in-Aid. Detroit Bureau of Governmental Research, Inc., November 1940. 48 pp. mimeo.

Garbage Disposal

Curb-Collection of Refuse. Philadelphia Bureau of Municipal Research, *Citizens' Business,* December 24, 1940. 2 pp.

Governmental Research

Proceedings of the Fifth Annual Institute of Government at the University of Washington July 24, 25, 26, 1940. Bureau of Governmental Research, University of Washington, Seattle, October 1, 1940. 87 pp.

Housing

Some Problems in Housing and Rehabilitation in Detroit. By E. S. Wengert. Detroit Bureau of Governmental Research, Inc., December 1940. 22 pp. mimeo.

Intergovernmental Cooperation

Intergovernmental Coöperation in the Los Angeles Area. By Ronald M. Ketcham. Bureau of Governmental Research, University of California at Los Angeles, December 1940. 61 pp. Fifty cents.

Reporting

Reports Are Not For the Purpose of Selling Public Administrations to Their Citizens. Dayton Research Association, *Facts,* January 6, 1941. 3 pp. mimeo.

State Government

Your State—A description of the Organization and Operation of State Government in Rhode Island. Providence Governmental Research Bureau, December 1940. 68 pp. Fifty cents.

Taxation

The Business Tax in Canadian Municipalities. Citizens' Research Institute of Canada, Toronto, *Canadian Taxation,* January 9, 1941. 3 pp.

OUR MUNICIPAL NEIGHBORS

(Continued from Page 84)

c. What is the record of public health work of the cities?

5. What—in detail—is the political and/or governmental relationship existing between cities and their respective national governments?

a. To what extent is national authority limited in the cities, and in what degree and ways do the national governments limit the natural governmental activity of the cities?

b. Precisely what is the status of municipal units in regard to the question of autonomy? In regard to the problem of territorial relationship to other units of government?

c. Where—and why, for how long, in what form—do we find a peculiar political organization for the national capital?

Interest in Latin America seems now at flood tide but there is no evidence that the crest has yet been reached. It would seem desirable, consequently, that every effort be made to encourage the scientific and sober study of various aspects of the Latin American scene.

CANADIAN CITIES

(Continued from Page 101)

Further, the commission seemed to feel that its survey had emphasized the most flagrant abuses and maladjustments and its recommendations had embodied some reasonably good guides for future remedial action.

It is evident, however, that Canada must struggle along with its creaky financial structure until the political situation has changed enough to provide a reasonable chance for considering reforms.

Contributors in Review

PROFESSIONAL observation of the Boston metropolitan scene during five years with the Boston Municipal Research Bureau, of which **Richard A. Atkins** (*The First Hundred Years*) is now assistant secretary, gives him ample background for the study which appears in this magazine. His more remote past includes a term as schoolmaster and advanced work at Harvard and Syracuse University's Maxwell School of Citizenship and Public Affairs.

A PARTICULAR interest in Latin America lies behind much of the published work of **Russell H. Fitzgibbon** (*Our Municipal Neighbors to the South*), which includes an outline of Latin American history and a book on Cuba and the United States, 1900-1935, and many magazine articles. He has also published a compilation of William Allen White's editorials from the *Emporia Gazette* under the title *Forty Years on Main Street*. Since 1936 Dr. Fitzgibbon has been assistant professor of political science at the University of California at Los Angeles.

AN ANGLO-North American training in economics and law preceded the career of **Lawrence B. Jack** (*Canadian Cities Face Financial Dilemma*) as a professional economist with private and public organizations in Canada. At present an investment economist with the Sun Life Assurance Company of Canada, Mr. Jack worked for a time in the research department of the Bank of Canada and for over a year with the research division of the Royal Commission on Dominion-Provincial Relations. He studied at the universities of British Columbia, California, and Oxford (a Rhodes scholar) and is now pursuing a Ph.D. at McGill.

THE Michigan merit system and **Edward H. Litchfield** (*The Open Back Door—A Case Study*) have been actively identified with one another. He has been executive assistant to the Michigan Civil Service Study Commission, then executive secretary of the Michigan Merit System Association. Now Dr. Litchfield is a member of the department of political science at Brown University.

THE structure of state legislatures continues to be of prime importance to **Charles W. Shull** (*Reapportionment: A Chronic Problem*), who teaches government at Wayne University (assistant professor). For the Detroit Bureau of Governmental Research he wrote *American Experience with Unicameralism* and is now engaged upon a study of reapportionment and unicameralism in Michigan for the same sponsor. Dr. Shull admits also to an absorbing interest in bowling and he "dotes" on congressional investigations.

News in Review

City, State, Nation
Edited by H. M. Olmsted

Federal Administrative Procedures Safeguarded by Proposed Legislation

Committee presents bill with report to Congress

ATTORNEY-GENERAL Robert H. Jackson on January 24 presented to Congress the report of the Committee on Administrative Procedure appointed by his predecessor, former Attorney-General Frank Murphy, now Justice of the Supreme Court. The committee is composed of eleven lawyers, judges and scholars, headed by Dean G. Acheson, recently appointed Assistant Secretary of State and formerly Under-secretary of the Treasury. It has made a widespread study of the problem for nearly two years, has held numerous public hearings, and has issued twenty-seven monographs on the procedures and practices of those federal agencies which chiefly affect private interests.

The voluminous report was accompanied by a detailed bill embodying the committee's chief recommendations, which were largely concerned with separation of judicial and prosecutive functions within the various agencies. The committee disagreed with the proposals of the vetoed Logan-Walter bill[1] to extend the scope of court review. It found present provisions for such review to be adequate and held that the best assurance of fair and correct determinations is in the improvement of the early phases of administrative procedure and in the wise selection of personnel.

[1]See NATIONAL MUNICIPAL REVIEW, January 1941, p. 45.

Provisions of the bill include:

Creation of a new Office of Federal Administrative Procedure, headed by three men, one appointed by the president and two by the courts, to review the procedures and practices of the various agencies, conduct a continuous study of their work, receive complaints from the public, and recommend improvements from time to time.

Establishment of relatively independent hearing commissioners within each agency, nominated by the agency but appointed for seven years by the OFAP, to hear and decide litigated disputes between the agencies and private citizens in cases where the agency heads do not hear them, with the right of appeal to the agency heads. No one presenting cases may have any part in deciding them.

Regularization of rules and regulations, with more participation by the public in making and considering them before final promulgation, and with more effective notice to all concerned.

Wider delegation of authority; facilitation of informal dealings between members of the public concerned and some responsible officer, especially in minor matters.

Declaratory or advance rulings by agencies, to be binding on the agency and the citizen and reviewable by the courts.

A minority statement by three committee members agreed substantially on the problems involved and the goal to be reached but called for a wider separation of the judicial function, and a code of legislative standards of fair procedure. Another member, a federal judge, made additional suggestions for further separation.

State Officials Elected by Narrow Margins

Several unusually close results marked the November elections in certain states. The closest probably was in the case of Frank Marsh, Republican candidate for secretary of state in Nebraska; on December 19 the state canvassing board declared him elected by an eight-vote margin out of half a million ballots.

In Kansas the Republican candidate for governor, Payne Ratner, was inaugurated on January 13, although possibility of a continued contest existed. His official margin of votes was 430 over William H. Burke, Democrat, who led in the count until the receipt of absentee ballots changed the result.

Absentee ballots also appeared to be a deciding factor in the election of Arthur B. Langlie, Republican, as governor of Washington by 5,816 plurality. Other state officers and a large majority of the legislature are Democrats.

In Indiana Governor Henry F. Schricker was the only Democrat elected to state office in November, even the lieutenant governor being a Republican; these two offices are reported not to have been held by members of opposing parties in 125 years.

On January 15 Lloyd Stark, outgoing Democratic governor of Missouri, vetoed a resolution of the state assembly, controlled by Democrats, to create a committee to investigate the election as governor of Forrest C. Donnell, Republican, to whom the official returns gave a plurality of 3,613 over Lawrence McDaniel, Democrat. The assembly committee of ten would have had a Democratic majority of two. Governor Stark announced, "I cannot approve a resolution which provides for a partisan setup in this contest."

In West Virginia both the outgoing governor, Homer A. Holt, and the new governor, Matthew M. Neely, claimed the right to appoint the latter's successor as United States senator for the unexpired term.

Constitutional Revision for New Jersey?

At the opening session of the New Jersey legislature, on January 14, Senator Robert C. Hendrickson of Gloucester County, the defeated Republican candidate for governor, introduced bills for a constitutional convention and to give power to investigate any state department to the executive. The constitutional convention would consist of eighty-one delegates elected by counties on the basis of present representation in the legislature. Candidates would be nominated by petition, with one hundred voters' signatures required.

Governor Charles Edison, in his inaugural address on January 21, stressed the need of a constitutional convention but criticized the idea of selecting delegates on the basis of the present legislative apportionment and by a costly special election. He advocated constitutional consolidation of the present eighty governmental agencies into no more than twenty, with a governor's cabinet drawn from their executives; the extension of the governor's term from three years to four; and granting the governor an effective veto power. He said that unless a unicameral legislature could be set up, existing inequalities of representation in the senate should be remedied.

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189 State Measures on Ballot in 1940

A special study by the Bureau of the Census gives the number of state measures placed before the voters in the calendar year 1940 as 189; this included 151 constitutional amendments of which seventy-six were adopted, twenty in-

itiated measures of which five were adopted, and eighteen referred legislative acts of which ten were approved. The total number voted on was fourteen less than in 1938, despite the fact that 1940 was a presidential year.

The 189 proposals dealt with 197 subjects, classified by the bureau as follows: organization, personnel, and elections, sixty-one, with twenty-six approved; tax measures, fifty-three, with twenty-one approved; bond issues, nine, with six approved; regulation of banks, liquor, etc., twenty-seven, with ten approved; special proposals for political subdivisions (individually or by classes), thirty, with eighteen approved; miscellaneous (including old-age pensions, land laws, etc.), seventeen, with eleven approved.

State Health Work Improved and Enlarged

A recent study by the Council of State Governments shows that state health departments are increasingly emphasizing principles of organization and effective administration, while the scope of activities expands.

In nineteen states the personnel, aside from physicians and a few other staff members, are chosen under civil service arrangements, and a trend toward extension of the merit system is apparent. More social workers are being employed in thirteen states.

Forty-four states have boards of health, which are advisory to the health director in nineteen states and have administrative control in twenty-five. An additional state has an advisory council; in another the department of public welfare, containing the division of public health, has an advisory board.

State health activities have been extended from quarantine, vaccination, and other forms of epidemic control, with more recent attention to such communicable diseases as tuberculosis, typhoid fever, syphilis and gonorrhea, to public health education and nursing, industrial hygiene, sanitary engineering, milk sanitation, enforcement of standards for food, water, etc., and other functions far beyond original conceptions. Twenty states require pre-marital tests, twenty-eight maintain special programs for tuberculosis control and many give particular attention to pneumonia, cancer, trachoma, malaria, poliomyelitis, etc. Thirty-seven now have divisions or bureaus engaged in the promotion and supervision of local health services.

There are some twenty-two federal agencies concerned directly or indirectly with public health; many of these work directly with the states and several cooperate with state departments in collecting data on health activities. Federal grants to state health departments range from approximately $50,000 to more than $900,000 for general public health, and additional grants are given for venereal disease purposes, and, under the social security act, for maternal and child health and crippled children's services.

Governor Urges New York Reapportionment

Governor Herbert H. Lehman of New York has emphatically called upon the legislature of that state to make reapportionment of area and population for legislative elections, as called for by the state constitution but delayed for many years by partisan disputes. The last districting was done nearly two decades ago, and large shifts of population have occurred since.

The majority leader of the assembly objected to the "dictatorial" tone of the Governor's message on this point; whereupon the minority leader inquired, "Whoever heard of a dictator urging fair representation for the people?"

Vermont Improves Reports

The drive for modernization of state and local reports in Vermont is continuing, with the active help of the State Chamber of Commerce. James P. Taylor, secretary of the latter, announces that a number of state departments have made great improvement in their reports this year and have enjoyed a gratifying response from the newspapers. Governor William H. Wills in his inaugural message recommended that reports of state departments to the people be as understandable as newspapers and magazines.

More Gains for Merit System

In addition to civil service victories in Michigan, Louisiana, Kansas, and San Mateo County, California,[1] one more state, two counties, and eleven cities have installed, extended, or otherwise aided the merit system, at or since the November elections, according to the Civil Service Assembly of the United States and Canada.

In Texas the voters approved a constitutional amendment permitting indefinite tenure for appointive employees of municipalities with civil service laws. Formerly the constitution limited to two years the terms of all state and local offices for which there were no other fixed terms; competent employees could thus be eliminated by failure to reappoint after two years.

Employees of Santa Clara County, California, were placed under the merit system as a result of approval at the polls.

The merit system was adopted by the voters of seven New Jersey local governments—Atlantic County, Asbury Park, Bloomfield, Margate City, Plainfield, Pompton Lakes, and Ridgewood. The system in these jurisdictions will be administered by the State Civil Service Commission.

A city charter amendment in Omaha, Nebraska, provides for a civil service department under a three-man civil service board and a personnel director. All city officers and employees will be covered under the merit system except elected officials, police and firemen, and members of boards and commissions appointed by the council or mayor.

The city council of Sheboygan, Wisconsin, on November 18 adopted an ordinance creating a civil service system for officers and employees of that city and providing for a three-man civil service commission. Police and firemen are already under a merit system.

The citizens of Detroit, Michigan, approved a charter amendment providing for extension of the merit system to the Board of Health.

The police department of Blue Earth, Minnesota, has been placed under civil service by a recent ordinance.

In Lima, Ohio, a charter amendment was adopted placing all city employees except elected officials, heads of departments and their deputies, and a few other excepted employees, in the classified civil service.

More than 1,100 state, city, and other jurisdictions now have at least some employees under civil service, the assembly reported. The greatest recent growth in the use of merit systems has been in municipalities. The number of systems in such jurisdictions increased from slightly less than 400 in 1930 to nearly 900 in 1940. States with merit systems increased from nine to eighteen in the same period.

Advances in City Planning During 1940

A report on planning during 1940, by the American Society of Planning Officials, shows a striking increase in interest in city planning, both in public

[1] See NATIONAL MUNICIPAL REVIEW, December 1940, pp. 768 and 818.

administration circles and among private groups, especially in more recent months.

The revival was marked by strong support for searching analysis of causes and coördinated efforts in rehabilitation for blighted central business districts, according to the report. The mayors of Boston and Detroit appointed committees of prominent citizens to work with their planning commissions and other public agencies to support legislation, devise programs of rehabilitation, and analyze decentralization trends.

Minneapolis and Newark are among other cities where groups of business men are working with city officials to develop programs for rehabilitation of run-down areas, and for dealing with problems accompanying the movement of business and population away from the centers of cities, including serious declines in property values and assessed valuations.

Creation by the National Association of Real Estate Boards during 1940 of an Urban Land Institute to examine the causes of blight and suggest remedies is another indication of expanding interest in city planning. This institute is making surveys in several cities. Other indications are urban redevelopment bills drafted by the Merchants' Association of New York City and the Chicago Building Congress for consideration by their state legislatures.

The association reported also an increase in 1940 over 1939 in the number of cities in which planning was revitalized and in cities where planning agencies were established for the first time. In Tennessee fourteen local planning commissions have been created within the last year, half of them embracing areas of more than one local jurisdiction. The Chattanooga and Knoxville commissions, which had been inactive, were reëstablished. A number of Michigan communities established planning agencies, including Lansing and several Detroit suburbs. Plan commissions were created in three Wisconsin towns. California continues an increasing interest in planning at state, county, and city levels of government.

Many shifts of planning personnel during the year indicate the extent to which reorganization and expansion of planning programs are proceeding, the society reported. Another indication is the number of civil service examinations given for city planning positions—as in New York City, Los Angeles, Flint (Michigan), and Washington, D. C.

Many developments in city planning were coincident with the beginning of the national defense program, and city planners are assisting local and state defense councils and the National Defense Council.

Council-Manager Plan News

Rapid City, South Dakota, on January 14, at the largest municipal election in four years, voted to retain the manager plan; 1,777 votes were for the present charter and 1,243 for abandonment of the manager plan. The petition asking for the election was filed December 27, 1940.

In **Mankato, Minnesota,** the proposed council-manager charter was defeated at a special election January 6. Although it received a majority of the vote—1,682 to 1,468—a four-sevenths majority is required for adoption. The charter had been previously voted on, and failed to receive a majority, April 8, 1940. In the new election it received 117 more favorable votes than before, while the unfavorable vote showed a shrinkage of 354. On each occasion the first three of the city's six wards voted strongly against the charter, and the other three wards in favor. Members of the city council are considering a proposal to submit several amendments to the existing charter at the spring election.

A home rule measure that would enable municipalities to adopt city manager or other forms of charter by local action was introduced in the **Pennsylvania** Senate on January 13, by Senator F. S. Edmonds of Montgomery County.[1]

At a meeting of the Merchants' Committee of the borough of **Columbia, Pennsylvania,** on January 9, the manager plan was discussed and the idea of a borough manager for that municipality was endorsed.

Columbia, Tennessee, has voted twice in the last two years for council-manager government, and a new charter is to be presented to the state legislature for approval.

In **Chattanooga, Tennessee,** where Mayor E. D. Bass has recently advocated the reduction of the city commission from five to three members, Dr. Frank W. Prescott, head of the Adolph S. Ochs Department of Government at the University of Chattanooga, on January 7, expressed his opposition to the reduction and urged instead the adoption of the council-manager plan.

In **Topeka, Kansas,** a manager movement is gaining strength. Frank Long, county welfare director, favors the manager plan and may run for mayor on a platform calling for a manager charter. Mayor John F. Scott is reported to be unofficially in favor of such a charter.

Alaska is showing interest in the council-manager plan. A bill is expected to be introduced in the territorial legislature to enable municipal corporations to establish the manager plan by a majority of the votes on the question at any general municipal election or at a special election called for that purpose on filing of a petition signed by one hundred qualified electors. The bill also provides that the council may, by majority vote, without being petitioned, place the matter upon the ballot at either a general municipal or a special election.

The Governmental Affairs Committee of the Coahoma County, Mississippi, Junior Chamber of Commerce is interested in promoting a state-wide campaign in **Mississippi** to enable cities to adopt the manager plan if desired, and intends to work with the State Junior Chamber of Commerce for the purpose.

In **Poughkeepsie, New York,** a recommendation that the city charter commission submit a council-manager charter was passed January 3 by the Board of Directors and the Government and Finance Committee of the Chamber of Commerce at a joint meeting. The group also decided to seek to arouse the interest and coöperation of various service organizations.

In **Wilmington, North Carolina,** the Junior Chamber of Commerce is continuing a drive for a manager charter. A bill which would make it mandatory upon the county board of elections to call an election on the manager plan, with 2,300 signatures attached, has been filed with the legislators of Hanover County.

The **Charlotte, North Carolina,** *Observer* has conducted a poll of residents of that city on various questions, including the form of city government. Results were published January 5. Out of 870 ballots dealing with the governmental question, 518 favored retention of the council-manager form, 204 were for the commission form, and 148 favored the aldermanic form.

Petitions for a vote on the manager plan, sponsored by the Junior Chamber of Commerce and containing 3,841 signatures, have been filed with the **Great Falls, Montana,** city clerk.

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[1]See also page 123.

A home rule amendment to the **Indiana** state constitution, which, if passed, would make it possible for Indiana cities to adopt the manager plan, has been introduced in the legislature.

A bill authorizing the town of **Canton, Massachusetts,** to vote on the manager plan is now before the state legislature.

Several hundred signatures have been secured to a petition being circulated in **Cheboygan, Michigan,** calling on the city council to submit to the voters the question of a general revision of the charter to provide for the manager plan.

Petitions are also being circulated in **Ottumwa, Iowa,** asking the council to call a special election for submission of the manager plan to popular vote.

The **Newport, Rhode Island,** Charter Revision Commission has before it a proposed council-manager charter for its consideration. The charter was prepared by a special committee of the Newport Charter League, a group of citizens organized last summer to promote the manager plan for their city.

A proposed manager charter for **Port Huron, Michigan,** drawn by the charter commission elected in the fall of 1939, has recently been submitted to a public hearing.

Springfield, Massachusetts, Seeks Unicameral Council

At the request of Mayor Putnam and the city council of Springfield, Massachusetts, a bill has been introduced in the legislature by Representative Clampit providing for a council of seventeen to supersede the present two-chamber body. It would consist of two qualified voters of each of the eight wards, one to be elected by the voters of the ward, as is the case with the present councilmen; the other to be elected by the voters of the entire city, as with the present aldermen; the seventeenth member would be nominated and elected from the city at large. A similar measure failed to be reported out by the legislature nearly three years ago.

Ask Tenure for Poughkeepsie Employees

In Poughkeepsie, New York, where a commission is working on a new charter, one point at issue is the provision of the present charter permitting wholesale changes of department personnel on January 1 of any year. At a public hearing on January 8 this provision was both criticized and defended, the chief advocate being Alderman Kirchner, who attacked civil service tenure generally. Charles L. Campbell, director of classification of the State Civil Service Commission, presented arguments against one-year tenure and in favor of civil service status as in most cities having any form of the merit system.

Drastic Changes Urged in Boston

The Urban Land Institute, organized by national real estate interests to study blighted areas and other urban land problems, has been making detailed studies of certain large cities, and has recently made public the results of its study of the central Boston area. One drastic conclusion was that the city apply to the legislature for so-called receivership, as was done by Fall River in 1932, and thus obtain financial relief and the time and opportunity to reorganize the city on a sound business and financial basis.

Other recommendations were: annexation of the residential communities of Chelsea, Revere, Winthrop, and others where mutual advantage appears;

A new form of county government in the interest of economy and efficiency to furnish municipal services to all municipalities in the vicinity, including those served by the state-appointed Metropolitan District Commission;

Traffic relief by various means, in-

cluding severe limitation of taxicabs and trucks, relocation of the market district, improvement in highway and transportation facilities, and other city planning changes;

A well financed study to revise zoning regulations and permit "neighborhood unit" development;

Greater financial support for city planning commissions;

A general revaluation of real estate.

Loose-leaf Codes for Wisconsin Cities

As a means of eliminating the difficulty of keeping codes of ordinances up to date, which has discouraged codification, it has become quite prevalent in Wisconsin to publish the code in loose-leaf form, so that, as new ordinances are enacted or as amendments are adopted, they can be inserted in their proper places. For this purpose a binder which can be locked is used. The first city to adopt the method was Appleton, followed by fourteen other cities and villages. Other codifications are now in process. The usual practice is to fix a price for such codes to include changes as issued.

Frederick N. MacMillan
League of Wisconsin Municipalities

National Public Housing Conference

The tenth annual meeting of this organization was held at the Hotel Roosevelt, New York, January 24-25. Discussions were directed toward federal aid for additional local housing projects, making such aid serve a wider area of the population, and building up public housing information and support. Officers of the conference are Mrs. Mary Kingsbury Simkhovitch, president; Louis H. Pink, chairman, Board of Directors; Frank A. Vanderlip, Jr., treasurer, and Helen Alfred, secretary and executive director.

Citizen Action

Edited by Elwood N. Thompson

Roundup—

COLLEGE students who have reached voting age often fail to vote because they are away from home and the laws governing absentee voters, differing as they do from state to state, make the problem a complex one. To counteract this situation the **University of Wisconsin League of Women Voters** conducted an educational campaign on registration and election laws prior to the last national election and for two days provided notaries and manned information booths in university buildings. Sounds like a worthwhile civic project which might well be carried on by any citizens organization located in a college town. . . . This is just one of the interesting items mentioned in the January issue of *Member's Magazine,* publication of the **National League of Women Voters** which was inaugurated last fall

In addition to news notes about activities of local leagues, the January *Monthly News* of the **New York State League of Women Voters** contains detailed reports of its Department of Government and Public Finance and the Department of Government and Economic Welfare. Each item in the programs of these departments is discussed under three headings: background, league action, and possible developments.

Long-range community planning is claiming an increasing amount of attention of citizens. . . . The **Livingston, New Jersey, Citizens' Planning Federation** has been established for the dual purpose of assisting the city's official planning body and sponsoring neighborhood civic groups interested in the

community's orderly growth. . . . Planning groups are springing up in a number of communities either in conjunction with official bodies or organized independently. . . . The **Baltimore Museum of Fine Art** has opened an exhibit, "The City," which is designed to give citizens a clear idea of the problems faced by the city and certain possible solutions and particularly to stress the value of long-time planning.

Another effective method of giving citizens a sense of participation in their local government is being used in Los Angeles, where the civil service department has asked persons successful in various professions and lines of business to assist in the preparation and conduct of civil service examinations. By this method, it is claimed, citizen-examiners usually develop a continuing interest in the merit system which keeps them alert to any possible encroachments on that system and thus develops active and effective friends of civil service. In addition, most of these men have civic, social, and business contacts which enable them to spread the doctrine of merit employment over a wide section of public opinion.

Citizens groups organized for a particular political purpose are not relaxing their efforts, although it seems a long time until another election in most communities. . . . Dean James M. Landis, chairman of the **Cambridge Committee for Plan E,** has announced that that group is increasing its activity on all fronts and presently will launch a new membership drive. The committee is undertaking an educational campaign to instruct voters on the manager plan and proportional representation, under which the city will operate beginning in January 1942. The committee will also select candidates which it will sponsor for election in November. . . . The **Cincinnati City Charter Committee,** another group which faces a November election in which it will participate actively on behalf of its candidates, is making good use of this interim period and has issued a special promotion report outlining the aims, problems, and plans of the organization. . . . The **New York City Citizens Union** has announced its legislative program for 1941 and already has its secretary in Albany acting as its legislative representative.

The January 2 *Greater Cleveland* outlines important tasks for 1941 as conceived by the **Citizens League.** At the top of the list is placed consolidation—of local governments within the county, of inferior courts, and of public utilities. Other issues are mentioned and the League's recommendation in each case set forth. . . . In the January issue of *Civic Searchlight,* published by the **Detroit Citizens League,** dates for the spring primary and spring election are given under the heading, "If you don't vote, don't kick." . . . The January 14 *Bulletin* of the **Yonkers Committee of 100** contains a report on the first year of manager government in that city. Besides the progress noted, there is a list of three items under the heading, "Some of the principal disappointments during the year." Thus the citizen can easily discover where the new form of government or its officials have fallen down.

In preparation for a spring election the **Seattle Municipal League** is running a series of forums during the next few weeks. At the first, held on January 21, highlights of city affairs during the past three years were reviewed, while the later forums will center attention on specific issues in the campaign. Members of the League's Town Criers (see Citizen Action section, October 1940 REVIEW) will again be available for talks before all community

and service groups. . . . The first 1941 issue of *Fact,* a sheet distributed by the **Minneapolis Civic Council,** announces that the organization will again sponsor town hall meetings (see Citizen Action section, July 1940 REVIEW) throughout the city on the general subject of "Civic Armament for National Defense." R. M. W.

Adult Education and Defense

Plans to relate the nation-wide adult education movement to the national defense program were announced recently by Morse A. Cartwright, director of the **American Association for Adult Education.** The plans call for an increase in the number of community adult education councils, which offer to serve as the educational arms of local defense committees; a series of regional conferences, held throughout the country, on adult education and defense; and the issuance of publications relating to defense.

The first of the publications—*Defense Papers, Defense Digests,* and *Community Councils in Action*—have made their appearance. All deal with defense in its broadest sense, "the defense of American culture."

Defense Papers and Defense Digests are written primarily to bring about discussion of national and international issues in clubs, forums, civic organizations, schools, colleges, and in informal discussion groups. Each number of *Defense Papers* carries six to eight short, readable articles—aid to Britain, shall we feed Europe?, training for defense, civil liberties, etc.—followed by aids to discussion in the form of questions based on the articles and lists of pertinent motion pictures and radio programs.

Similar aids to group discussion are found following the single long article that comprises each issue of *Defense Digests.* "Our Policy in the Pacific" and "Freedom of Assembly" are the titles of the two issues which have appeared to date.

Community Councils in Action in the words of its editor "is designed to serve all interagency organizations primarily concerned with the education of adults. It addresses itself to councils and associations of adult education, whether local, state-wide, or regional. It addresses itself also to workers in other types of community organization which are intended to foster public enlightenment and education participation in democratic processes. The purpose of the bulletin is to provide for the exchange of experience."

The publication of this bulletin is another step in the association's program to encourage the formation of new local and regional councils and to provide councils already established with a means of exchanging experiences. These councils are the only apparent means of giving local direction to rapidly expanding programs of adult education in terms of community needs rather than in terms of organizational interests. The membership of the local councils is made up of representatives of the public schools, schools for adults, libraries, settlement houses, churches, museums, and the many other agencies that give educational service to the adult in the community.

There is no common body of activities recognized as applicable to all councils. Virtually all try in some way to exchange information with respect to objectives and programs of constituent organizations by means of general meetings, committee reports, institutes, or conferences. Many have made more or less comprehensive surveys of community resources for adult education.

Some maintain a central file or information bureau which may be operated by the council itself. This is true of the **New York Adult Education Council** and the **Chicago Adult Education Council,** for example. A few councils offer programs to their members and to the public—lectures, concerts, forums, etc.

During the coming year the councils will assume a new role as the educational division of the local defense committees in many centers. Each issue of *Community Councils in Action* will encourage the councils to undertake this duty, and will carry articles making suggestions for procedure based on the actual experience of many councils in different sections of the country.

Civic education is one of the aspects of adult education that will be stressed. The **Cincinnati Adult Education Council,** for example, is reported as working on an adult citizenship training program. Briefly, the council is endeavoring to develop a flexible leadership program-building service for already existing organizations.

An essential feature of the program is the discovery and training of leaders within existing organization units and in the community at large. The council will sponsor leadership training institutes for volunteers who are willing to offer their services to community organizations. The first of these institutes opened February 1. Following this intensive training leaders will be called together at regular intervals to exchange experience, define and clarify issues, and coördinate their activities.

A special series of interlocking committees is at work sifting materials, facts, and principles for use in the training course and for presentation through other channels. In addition, the council plans to offer organizations a number of services, like volunteer leaders, trained in both techniques and subject matter, to conduct discussion series related to "citizenship in a democracy."

The **Denver Adult Education Council** last spring appointed a Civic Education Committee which has concentrated its attention thus far upon increasing the intelligence and responsibility of the city's electorate. The committee included members from the Junior Chamber of Commerce, Denver Trades and Labor Assembly, Denver Women Citizens' League, Civic League, City Club, University of Denver, and Denver WPA Adult Education Program. On the basis of its experience in the last election, the committee will get an early start in the next election, stimulating participation in party caucuses and making known the available sources of information on campaign issues.

The **Knoxville-Knox County Adult Education Council,** by focusing attention on civic problems through forums on such subjects as the need of a public recreation program and the activities of a local law and order league, has made citizens more highly conscious of their community problems, responsibilities, and opportunities.

The American Association for Adult Education has made a number of broad recommendations to councils to assume active educational leadership in a time of national emergency. First, it suggests that councils examine and define adult education's role in the support of democracy; second, that councils find a way to affect the community adult education program in accordance with agreements about its role in defense; and third, that they find a way to coöperate with other like-minded groups.

In many places local defense coun-

cils have not yet been organized, and the association suggests that the adult education council take part in helping to give the community defense program its impetus and pattern.

A series of regional conferences on adult education and defense, sponsored by the association and local and regional councils, has been scheduled. Among those to be held during February, March, and April are: Midwest Regional Conference in Chicago, Illinois; Great Lakes and Ohio Valley Regional Conference in Columbus, Ohio; Indianapolis Regional Conference in Indianapolis, Indiana; Mountain-Plains Regional Conference in Denver, Colorado; Fourth Pacific Southwest Regional Conference in Los Angeles, California; Second Southwestern Regional Conference in Austin, Texas; South Central Regional Conference in Stillwater, Oklahoma; Pacific Northwest Regional Conference in Spokane, Washington; Middle Atlantic States Regional Conference in Albany, New York; Southeastern Regional Conference in Norris, Tennessee; Mississippi Valley Regional Conference in St. Louis, Missouri; and the Conference in Hawaii on Adult Education and the National Defense.

Field representatives of the association are assisting local councils in planning these regional conferences. They are open to representatives of all civic groups and to interested citizens.

The purpose of all these nation-wide efforts to correlate adult education programs and defense is to increase public understanding of the issues involved in preparations for the nation's defense and, by creating this understanding, to ease the stress that inevitably accompanies a great national emergency.

DOROTHY ROWDEN
American Association for
Adult Education

County and Township

Edited by Elwyn A. Mauck

County Merit System Moves Slowly

Counties of three states form bulk of those which use the merit principle.

THE Civil Service Assembly of the United States and Canada, in a report issued last year, announced that only 173 counties had a merit system in any degree at that time. Additional adoptions have now increased the number to 177.[1] And, as will be pointed out, even this figure is an optimistic one since many of the counties of New York State and Ohio, while nominally under the jurisdiction of their state civil service commissions, have few positions under the merit system—sometimes none.

Distrust of centralization, opposition by local government employees, public inertia, and insufficient appropriations explain the slowness of the movement and the inadequacies of administration where adopted.

The Ohio constitution has provided since 1912 that: "Appointments and promotions in the civil service of the state, the several counties, and cities shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations."[2]

This apparently mandatory provision, however, has been almost completely ineffectual in establishing the merit system for county employees. Although the State Civil Service Com-

[1] *Civil Service Agencies in the United States, A 1940 Census,* Chicago, 1940. See also this REVIEW, page 108.
[2] Art. XV, sec. 10.

mission is authorized by law to administer it, the state legislature has not seen fit to appropriate sufficient funds to the commission to enable it to abide by the constitutional mandate. Hence the commission has extended the merit system to only a very limited number of county employees.

In Cuyahoga County, however, where the problem was most pressing, the state commission succeeded in delegating its powers to the Civil Service Commission of Cleveland under an act of the 1925 state legislature. Resulting primarily from lack of funds, but due also to partisan pressures, unsympathetic courts, official resistance, and a commission interested primarily in the city service, after fifteen years of operation less than one-third of the 2,500 county positions have been placed under the merit system.[3]

New York Counties

In the state of New York past accomplishments and future prospects in extending the merit system to county government are considerably more heartening. New York adopted its first civil service law in 1883, the year in which the federal government adopted its famous Pendleton act. In 1894 the New York constitutional convention attempted to insure the merit system for state and local government by the following provision: "Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examination, which, so far as practicable, shall be competitive."[4]

In spite of the mandatory language of the constitution, the merit system moved slowly into the field of county government. Most counties at present have only a few positions filled by the merit system under the direction of the State Civil Service Commission; in only the seventeen most densely populated counties have most of the employees been placed under its supervision. In addition Nassau County, under its home rule charter which went into effect in 1938, has set up its own commission. As in the case of Ohio, the New York violation of the constitutional mandate is due primarily to the state legislature's unwillingness to make necessary appropriations. In explaining the forty-six-year lag in extending the service, the commission reports, "This commission simply did not have staff, equipment, or funds to carry a bigger load than it already had."[5]

Apparently a more rapid extension of the merit system is about to result from some rather vigorous rebukes emanating from the New York State judiciary. In November 1937 public officials were startled by a suggestion from the highest court of the state that the constitution meant what it said and that the court might invalidate all appointments made contrary to its provisions.

The court declared, "An employment which in its inception violates the provisions of the constitution is illegal and against public policy, regardless of the good faith of the parties. It is the duty of the appropriate administrative officers of the state or its civil divisions to discontinue an illegal employment when they note its illegality. . . . Regardless of whether the legality is challenged or not, a court must refuse to sanction such an employment which violates the mandate of the constitution whenever the illegality

[3]The Citizens League, *Greater Cleveland*, December 19, 1940.

[4]Art. V, sec. 6.

[5]*The New York State Service*, Fifty-Seventh Annual Report of the New York State Civil Service Commission, Albany, 1940, p. 11.

becomes apparent to it. . . . Failure of the legislature and the Civil Service Commission to make such provision (for examinations) might render compliance with the constitutional mandate difficult; such failure could not render lawful a contract of employment which violates that mandate."[6]

The 1938 legislature deferred action in the belief that the constitutional convention meeting in the summer of 1938 might amend this portion of the constitution, but when it remained unchanged the 1939 legislature created a special commission to consider extension of the civil service.[7] The gravity of the situation resulting from this judicial warning is revealed by the following statements in the first report of the special commission: "Late in the year 1938 it became apparent that a dangerous situation existed. Many employment contracts, made in good faith, were found to be invalid. In many of our counties, and in practically all of our towns, villages, school districts, and special districts, any taxpayer might question the right of employees to their offices or positions. Several taxpayers' actions challenging the right of local employees to receive their salaries and to hold their positions were instituted and many more were threatened. . . .

"The solution of this problem cannot long be delayed. The courts have held that the failure of the legislature to act does not nullify the mandate of the constitution and that the burden is on the state civil service commission to extend civil service administration to units of government not now covered. . . . The court held that the state civil service commission was required to hold examinations within a reasonable time . . . and pointedly declared that the existence of a legislative commission to study the problem and submit recommendations for consideration by the legislature was not a sufficient excuse for the failure of the commission to act."[8]

The commission is now at work on plans for a complete extension of the merit principle to the employees of all local governments throughout the state. These plans will be submitted to the present session of the legislature.

Jersey Counties Vote

New Jersey deviates from the Ohio and New York plans in a fundamental manner. By a statute enacted in 1908 it permitted counties as well as other local units by referendum vote to determine whether they wished to permit the state commission to administer their personnel functions.[9] Twelve of the twenty-one counties have chosen to come under this plan, while only thirty-seven of the 565 municipalities and one of the 542 school districts have done so.[10] While the plan was originally a concession to local home rule advocates, there now is a growing belief that the optional provisions should be abandoned in favor of compulsory provisions covering all local units.

Thus the counties of Ohio and New York and twelve of those of New Jersey account for 162 of the 177 counties listed as under the merit system at the present time. The remaining counties have had the merit system extended to them by special act, and all except Dane County, Wisconsin, have their

[6] *Palmer* v. *Union Free School District No. 2, Town of Geddes,* 276 N. Y. 222 (November 1937).

[7] Ch. 862, L. of 1939.

[8] *First Report of the New York State Commission on Extension of the Civil Service,* Albany, 1940, pp. 8, 18f.

[9] New Jersey Statutes Annotated, 1939, 11:3 Chs. 19-26.

[10] Messick, Charles P., *The New Jersey Pattern,* speech delivered at National Municipal League's Forty-sixth Annual Conference on Government, Springfield, Massachusetts, 1940.

own local civil service commissions. They are as follows:

ALABAMA
Jefferson (1935)
Mobile (1939)
CALIFORNIA
Alameda (1927)
Los Angeles (1913)
Sacramento (1937)
San Diego (1935)
San Mateo (1940)
Santa Clara (1940)
ILLINOIS
Cook (1895)
NORTH CAROLINA
Mecklenburg (1935)
Hanover (1939)
OREGON
Multnomah (1929)
WISCONSIN
Dane (1937)
Milwaukee (1918)
Waukesha (1938)

Although only a small percentage of counties are under the merit system, a consideration of the nature of the areas served indicates there is a tendency to adopt it where the need is greatest. Thus eleven of the New Jersey counties adopting the merit system are those most densely populated. Most of the large metropolitan centers are served by counties operating under the merit system. All five counties in New York City and the two bordering it, as well as Hudson County, New Jersey, directly across the river, at least ostensibly operate under merit systems.

The conclusion seems inevitable that while spoils politics remains openly apparent in most counties, and has become only slightly less obvious in some others that have been clothed with the machinery of civil service, the trend is in the direction of merit and the future holds promise of its achievement.

Manager and Merit System for Georgia County?

The Atlanta Local Government Commission, created a year ago by grand jury, has made the following recommendations in regard to Fulton County:

1. We strongly urge the adoption of a civil service system for Fulton County. . . . Civil service should extend to all non-policy-performing employees of the county, including those in the offices of elective officials. . . .

2. The functions of the tax collectors, tax receivers and assessors, city and county, should be coördinated; further, the county tax receiver and collector should be combined. . . .

3. The present system of commission management should be revised. . . . The county commissioners now act in the dual capacity of a legislative and administrative body, and is headless. It is our opinion that they should act as legislative or policy-making body only, and that a county manager should be elected by them to carry out the policies determined by the commissioners. . . .

4. We recommend the passage of a local law specifying the powers and duties of the county manager which should include provisions that:

(a) The manager should be well qualified by reason of ability, experience, and training in public administration. The choice should not be limited by reason of former residence.

(b) The manager should be the sole administrative and appointive head of the county.

(c) His term of office should be indefinite and based on satisfactory service. . . .

Also recommended for Fulton County were a study of park facilities and needs, liberalization of relief provisions, an improved pension system, a detailed annual audit, extension of fire protection and sanitary services, and the consolidation of city and county health departments.

Tennessee County Considers Manager Plan

A bill providing for the manager plan for Hamilton County has been introduced in the Tennessee state legislature, and has already passed the Senate. Another bill calling for a commission form of government is being proposed also, but the Chattanooga Real Estate Board and other groups have announced themselves definitely in favor of the manager plan and opposed to the commission form. County reform and especially the manager plan were issues sponsored by the county's successful candidates for the legislature in the elections last year.

County Housing Authorities Cooperate

Eleven housing authorities of adjoining counties in southwest Georgia have adopted an agreement whereby each will appoint a member of an executive committee, which in turn will appoint an executive director and act as a general advisory board. The executive director will serve all eleven counties, and he will be head of the central administrative staff. Although the individual county authorities will not lose their identities, they will operate as only one unit.

The agreement was approved by the Georgia State Housing Board and the United States Housing Authority. No changes or withdrawals will be possible without their consent.

The coöperating authorities anticipate many advantages in having a single organization construct and manage all rural low-rent housing projects in the area. Standardization of purposes and methods is expected to result in savings in purchases, construction and management. According to present plans the projects will cost $1,293,000 for 648 rural homes averaging $1,545 per dwelling.

Taxation and Finance

Edited by Wade S. Smith

Water Deal Brings Jury Charges

Indictment of local officials as well as bond dealers recommended

MUNICIPAL purchase of a privately owned water system has exploded in a barrage of grand jury presentments in Chester, Pennsylvania, where a $6,000,000 water revenue bond deal has been labelled "a story of greed and corruption" by the Delaware County Grand Jury, which on January 17 recommended the indictment of thirteen persons on conspiracy, fraud, and misfeasance and malfeasance charges.

The story in its detail is told in the presentment handed up by the grand jury and printed almost verbatim in Philadelphia papers. All apart from the personalities involved, which include individuals prominent in Delaware County political circles, local officials, and officials of a Chicago bond house, the situation is interesting in that it emphasizes the necessity for critical scrutiny of negotiated purchases of private property by public bodies.

According to the grand jury presentment, the conspiracy began in 1938, when the Federal Water Service Company, a holding company owning all the common stock of the Chester Water Service Company, decided to sell the Chester company to the city of Chester or to an authority created by the city. The company was allegedly informed that to do this it would be necessary to secure the coöperation of the county political boss, John J. McClure, and a Chester attorney ac-

tive in local taxpayers organizations, James L. Rankin. McClure was approached, and after several conferences a scheme was concocted whereby the common stock of the Chester Water Service Company was to be sold to a third party in Philadelphia for $750,000 and then resold for a $250,000 profit to the Chester Municipal Authority, whose creation under enabling legislation was to be facilitated by McClure. Rankin was approached and offered a $15,000 retaining fee for his coöperation, but he refused to have anything to do with the affair and appears from the grand jury presentment to have been instrumental in bringing the case into the open. The necessary legislation for the creation of the authority was enacted, and the authority created, with the mayor and four councilmen of the city of Chester serving as chairman and directors. The $250,000 profit on the stock deal was split six ways, $30,000 going to a representative of the Chicago bond house of C. W. McNear and Company and the remainder to McClure and four of his associates.

Subsequently, the grand jury charges, the authority sold its bonds in the sum of $5,910,000 to the Chicago bond house at a price of 98.02 "whereas in truth and in fact the said issue of bonds . . . was worth at least 104.25 at par," the authority being thereby defrauded of approximately $375,000. In this sale and in the deal involving the purchase of the common stock the four members of the authority board, who are also Chester city councilmen, are charged with misfeasance, malfeasance, and non-feasance in office, and not with participating in the division of the profits. The jury commented especially on their action in purchasing the stock without making any reasonable effort to determine its real value, and in acquiescing to the private and secret sale of the authority bonds.

Villages Quarrel with HOLC

Action of the Home Owners' Loan Corporation in seeking reductions of assessed valuations on properties under its control has been attacked by local officials in wealthy Westchester County, New York. The Westchester County Village Officials Association at its regular meeting early in January petitioned the United States government to "require the withdrawal" of actions instituted by the HOLC, which after conference with the Assessment Boards of Review had proposed to enter certiorari proceedings in an effort to have the valuations reduced by the courts.

The petition is especially interesting in that it attacks the proposed reductions mainly on the grounds that the maintenance of high assessments is necessary, and is agreeable to 99 per cent of the local owners of local property.

Bond Prices Hit New Highs

A new low was hit by *The Bond Buyer's* index of municipal bond yields on January 1. This index reflects bond prices, the trend of bond yields being inverse to the trend of bond prices. For twenty representative municipalities the bond index at the beginning of 1941 was 2.14 per cent and for eleven first grade bonds it was 1.80 per cent, figures which compare with 2.59 per cent and 2.24 per cent respectively a year earlier.

The trend of municipal bond prices was upward through 1940, save for slight breaks in February, March, and June. As a consequence local governmental units whose affairs were in even tolerably satisfactory shape found the money market extremely advantageous for the flotation of new bond issues, and numerous claims of "the lowest

interest rate in the city's history" have been made following such sales.

Tax Proposals Unpopular with Voters

Of some fifty revenue proposals—constitutional amendments or initiated or referred measures—submitted on November 5 to the voters of nineteen states, approximately three-fifths were rejected. Measures covered property tax exemptions, sharing of state-collected revenues by municipalities, tax limitations, new tax sources, etc., according to a recent study made by the Council of State Governments.

Graduated land tax proposals were rejected in Oklahoma and North Dakota; both amendments would have resulted in application of low property tax rates on small holdings and higher rates on larger holdings. Arkansas refused to approve an amendment exempting single and married persons from $50 and $100 worth of personal property respectively. In Florida, however, voters expanded property tax exemptions for widows by making the exemption $500 regardless of dependents.

Arizona rejected an amendment granting homestead exemptions up to $5,000; California voted down an amendment to exempt from local taxation until 1955 all vessels, except yachts, of more than fifty tons registered and operating out of California ports; and Louisiana rejected four tax amendments, including a proposal to exempt certain new industries from property taxation until 1944.

Arkansas approved amendments allowing cities of 5,000 or more population to levy a one-mill property tax to maintain public libraries, and authorizing first and second class cities to levy a tax of not more than two mills for pensions for police and firemen. Washington approved a referred statute continuing the property tax limitation at forty mills. Colorado turned down an ad valorem tax on intangibles.

Two states rejected proposals concerning their income taxes—Colorado defeated an amendment to make the present income tax rates mandatory, and Louisiana refused approval of a proposal to impose a graduated income tax and to authorize the taxation of the income of public officials.

An initiated statute which would have resulted in a new source of Colorado state revenue through legalization of horse and dog racing under a parimutuel system of betting was rejected, as was a similar initiated proposal in Arizona to authorize the licensing and operation of gambling devices and games.

Only one out of four proposals for local sharing in state-collected revenues was approved—Florida voters authorized by an amendment the distribution of race track revenues among counties. Arizona and Oklahoma rejected initiated proposals for greater sharing by localities of gasoline and motor vehicle revenues, and California turned down an amendment to allow local governments a share of revenue from the state alcoholic beverage act.

Three states—Idaho, Nevada and South Dakota—approved proposals prohibiting use of state highway funds for purposes other than construction and maintenance of state highways.

Other results: Louisiana approved an amendment raising the state gasoline tax from five to six cents, and another prohibiting local taxes on motor fuels; Missouri rejected an amendment to reduce motor vehicle license fees and abolish municipal gasoline taxes; and Maryland defeated a proposal which would have resulted in a tax on oysters.

Proportional Representation
Edited by George H. Hallett, Jr.
(This department is successor to the Proportional Representation Review)

P. R. Progress Depends on Home Rule

Pennsylvania and Boston seek legislative action

EVER since the people of Pennsylvania passed a city and borough home rule amendment to the state constitution in 1922, and the ensuing legislature refused to pass the general home rule legislation presented to it to give the amendment effect, efforts to get home rule powers in Pennsylvania have been largely confined to asking the legislature's permission to submit specific plans to the voters. For many years well supported bills making the city manager plan and proportional representation available by petition and popular vote to Philadelphia, Pittsburgh, third class cities, and boroughs were presented to the legislature at each session, and at the last regular session, in 1939, such bills for Philadelphia and Pittsburgh actually passed the State Senate, only to be killed in committee in the House of Representatives.

This year municipal reformers have decided to abandon specific legislation and try once more for general home rule powers for all the cities of the state. On the first day for introducing bills Senator Franklin Spencer Edmonds of Montgomery County, which adjoins Philadelphia, introduced a bill to permit any city to revise its charter by any one of three methods:

1. By a two-thirds vote of the city council, followed by popular approval of the council's revision at a referendum.
2. By electing a charter commission on the initiative of two-thirds of the city council or of a petition of 20,000 voters in Philadelphia or Pittsburgh or of 15 per cent of the registered voters in any other city. The people of the city would vote on the question of a charter commission and at the same election vote for members to serve on the commission if authorized, using a nonpartisan ballot and a limited vote to assure some minority representation. The charter commission's proposal would be submitted to the people for final adoption.
3. By direct petition and popular vote, the petitioners required for this purpose being 25,000 in Philadelphia or Pittsburgh or 20 per cent of the total registered vote in any other city.

This plan, somewhat similar to an Edmonds bill which passed the Senate at the end of the last session, is receiving widespread support throughout the state. Senator Edmonds is a member of the Republican majority in the Senate, where the Philadelphia and Pittsburgh charter bills passed two years ago, and this year even Joseph N. Pew, Jr., state Republican leader, has indicated publicly that he is inclined to favor home rule charter powers for Philadelphia though he is against their being used to get P.R.[1] The House of Representatives, where a large Republican majority "pickled" the charter bills in 1939, has since gone Democratic and the Democrats are on record in favor of municipal home rule.

P. R. Campaign Continues in Boston

The Boston Citizens' Committee for Proportional Representation, backed by the League of Women Voters and

[1]His opposition to P.R. is understandable in view of the fact that the Republican party, with a small majority of Philadelphia votes, has twenty members out of twenty-two on the Philadelphia city council.

other civic groups, has announced another campaign to get the right to use P.R. extended to Boston. In 1937 all other cities and towns in Massachusetts were given the right to adopt P.R. by petition and popular vote for their councils and school committees and the corresponding Hare system of majority preferential voting for their mayors. Boston was included in the optional powers for school committee and mayor but not for council. The next year all other cities were given the right to adopt by petition and popular vote a new Plan E, the city manager plan with P.R. for council and school committee, but again Boston was excluded. Plan E has since been adopted in Cambridge, where the first P.R. election is scheduled to be held this fall. Boston proportionalists now urge, with good newspaper and civic support, that Boston be given the same rights to P.R. that are enjoyed by other cities in the state.

Strong reasons for electing the Boston city council by P.R. were given by Thomas H. Mahony, chairman of the Boston Citizens' Committee for P.R., at the recent meeting of the P.R. League held in conjunction with the annual Conference on Government of the National Municipal League at Springfield. Mr. Mahony expressed the belief that P.R. would be helpful even if the city could not, like Cambridge, immediately get the ideal combination of P.R. with the city manager plan. He said in part:

"We have in Boston at present a mayor nominated by petition signed by 3,000 voters and elected upon a nonpartisan basis for four years with complete executive responsibility, with sole power to initiate appropriations and loans. We have, too, a City Council of twenty-two members, each nominated upon a ward basis by petition signed by 300 voters of the particular ward and elected upon this ward basis for a term of two years.

"We maintain that Boston needs P.R. because its present charter:

"1. Not only permits but fosters undemocratic election results;

"2. Has developed an inefficient and unbusinesslike administration.

"From 1925 to 1937 we had eight councils elected in seven of which more than half of the members were elected by a minority in their electoral districts, and in five of which approximately two-thirds of the members were so elected.

"In a recent council election to fill a vacancy from one ward we find that ten candidates ran for the office. The registered vote of the ward was 12,470, the votes cast numbered 6,915 or 55 per cent of the registered vote. The winner polled 2,300 votes or 33 per cent of the vote cast and 18 per cent of the registered vote. We have likewise had a councilor elected by as few as 23.1 per cent of the votes cast in his ward.

"As there are no primaries in the mayoralty or City Council contests, there is nothing to prevent a multiplicity of candidates for the various offices and the attaining of the undemocratic and vote-wasting results which have been mentioned.

"Proportional representation and preferential voting are needed to remedy this evil, not only to insure proper minority group representation but to insure proper majority control and responsibility.

Taxes and Expenses

"The inefficient and unbusinesslike administration of municipal affairs is probably best revealed in the matter of taxation and expenditures.

"A comparison of Boston's tax rates with the P.R. cities of Cincinnati and Toledo[1] is most illuminating.

[1]These cities have the manager plan as well as P. R.—*Editor.*

Tax Rates per $1,000 Valuation

	Boston	*Cincinnati*	*Toledo*
1930	$30.80	$22.10	$27.00
1939	39.90	19.98	19.00

"During the year 1939 Boston's tax rate of $39.90 was the highest upon an adjusted basis of any of the thirteen cities of the nation having a population of over 500,000 people.

"While Cincinnati from 1930 to 1938 inclusive reduced its debt by $25,000,000, Boston's net funded debt increased from $102,176,784.81 on January 1, 1930, to $130,156,316.50 on January 1, 1937, an increase of about $28,000,000.

P.R. Would Help

"The council may adopt or reject or reduce any appropriation initiated by the mayor. It may, with the mayor, reorganize, consolidate, or abolish departments in whole or in part and reduce or abolish salaries of departmental heads and board members. These powers are sufficient to influence and to restrain even a profligate mayor in the increase of annual expenditures and of the city debt. These powers are sufficient only if the members of the council are of a character and ability to consider and act with regard to the interests of the city as a whole rather than the interests of each particular district, ward, and precinct.

"We find that generally the councilors elected by wards are continually striving to secure advantages for their own wards and constituents and are disinterested in the general welfare. We find that as a rule the councilors have no experience in the conduct of a business. We find also that general criticism has been levelled at various members from time to time, if not for alleged corruption, for unwisdom and impropriety.

"Taxicab, dog track, market rental, City Hospital administration graft scandals have in the last two years attracted the public attention if they have not shocked the public conscience. From time to time our newspapers have editorialized and suggested that something should be done to remedy the evils of the present system. The following editorial from the *Christian Science Monitor* is indicative of the periodically aroused public conscience.

'Overriding by the City Council of the Mayor's dog-track veto in the face of strong public opposition and the Finance Commission's charge that four councilors tried to determine how much they could get for votes in throwing taxi stands open to competition emphasizes the need for drastic Council reforms. One of its own members has characterized the Council as a "powerless group that can be bought for a constable's position." Another has summed up the average yearly duties of a councilor as: "Fixing about ten traffic tickets a week; demanding and receiving about one hundred jobs a year for constituents; tossing a few city contracts to friends."

'Much of the difficulty lies in the present system of electing councilors by wards for it encourages members to vote for each other's projects in order to obtain votes for their own.

'Such log-rolling places an unwarranted burden on the taxpayer. This is certainly one reason why the tax rate has nearly doubled since 1924, when Boston stopped electing its councilors at large. Another fault lies in the unwieldy size of the Council, with its twenty-two members. But perhaps most serious of all is the fact that many competent men are discouraged from running for the Council because they feel the present voting system militates against candidates who refuse to align themselves with machine politics.

'Some of these faults doubtless could be eliminated by adopting the proportional representation method of choosing a council. It would provide elections at large, reduce the number of members to nine; and its preferential system of balloting and simplified system for nominations foil the standard devices of the political bosses. Thus it attracts a higher type of candidate.

'At this time, when the Council is the subject of much public dissatisfaction, it is encouraging to know that a committee has been formed and a campaign projected to bring Boston this type of council.' "

Prize Contests on Election Methods

Two prize essay competitions have recently been announced by British friends of representative government, one open to "all graduates, undergraduates, and students, without distinction of sex or nationality, of any university or university college in Great Britain or Ireland, who have not attained the age of twenty-five years," the other to "all Indian-born graduates, undergraduates, and students, without distinction of sex, of any university in India, who have not attained the age of twenty-five years." In each case there are three prizes, of £50, £30 and £20 respectively.

The subject of the British essay contest is stated as follows:

> To consider the working of the Representation of the People Act, 1918, as exemplified in the general elections held since the passing of the act and to indicate what changes, if any, should be made in the method of electing Parliament in order to assure, so far as is reasonably possible, that the post-war House of Commons shall be representative of the nation, and shall contain within itself the highest political ability and leadership, irrespective of party, available for national service.

The Indian essay subject is:

> In respect of any new constitution for India, with special reference to the method of electing parliamentary bodies and the formation of executive governments, and to the rights of minorities, political and other, in relation thereto, what constitutional provisions are the most likely to promote the coöperation in the tasks of government of all communities in India?"

In introducing the British contest the announcement says:

> On the occasion of the introduction of the Prolongation of Parliament Bill, October 1940, a declaration was made on behalf of the Cabinet in both Houses of Parliament indicating that before the next general election took place there would be an opportunity, if Parliament so desired, "to consider questions connected with changes in our electoral system."
>
> In a debate on electoral reform in Parliament, the Prime Minister, Mr. Winston Churchill, always a devoted upholder of our parliamentary institutions, said: "It is our duty to strengthen the House of Commons. Parliament is all we have and the House of Commons is the main part of it. . . . Surely care of this central instrument ought to be a sacred trust."
>
> Care is specially required in respect of the House of Commons that will be elected at the end of the war; it will bear unparalleled responsibilities in respect of both international relationships and national reconstruction; its composition will be of the highest importance to Great Britain and to the world.

In the spring of 1940 a somewhat similar contest was staged in New York City, on a less ambitious scale, by the Joint Committee on the Council Election, a committee of representatives of leading civic organizations interested in proportional representation and in education to enable the citizens of New York City to make the best use of its opportunities. Prizes of $20 and $10 were offered to students in the city high schools for essays on the subject of P.R. A number of papers were received which showed a good comprehension of the subject and its importance to the city as well as talent in writing. First prize was awarded to Spencer Dvorkin of the Bronx High School of Science, second to David L. Hurwitz of the High School of Music and Art.

Books in Review

EDITED BY ELSIE S. PARKER

Accounting Procedures of the United States Government. By E. F. Bartelt. Chicago, Public Administration Service, 1940. xii, 155 pp. $2.00.

This book presents in brief compass the first authoritative treatment of the federal accounting system from the standpoint of the Treasury Department. It consists of a series of papers prepared by the author over a period of more than two years. While these papers were not intended at the time to present a well rounded treatment of the accounting system, they have been so skillfully edited in bringing them together for this small volume that they now give an excellent picture of the whole accounting and reporting procedures. Numerous charts have been added which serve to illuminate the textual matter. The one weakness of the volume from an editorial standpoint seems to be the omission of an index, though it may be argued that since the text is not very long, an index is not needed.

The author, who is now chief accounting officer of the Treasury Department, has worked for twenty years in that department during which time he has been intimately associated with all phases of accounting work. Although he has actually lived with this work day after day and year after year, he is by no means blind to the shortcomings of the federal accounting system. For some time his best efforts have been devoted to improvement of the accounting methods and procedures of the government. With this in mind, he prepared the series of papers which constitute the present volume as a means of enlisting support of public men, accountants, and students of government in the reform of federal accounting and reporting.

The papers have not been arranged chronologically as they were written, but rather in the order of their development of the subject matter. The first paper presents a description of the Treasury Department and its functions in the light of its historical background. The second paper deals with changes in the Treasury accounting methods, again mainly historical in approach. Subsequent papers discuss the general accounting system, accounting for emergency relief expenditures, control of federal expenditures, and a plan for integrating the accounting work of the government. A final paper is concerned with the fiscal and accounting relationships now existing among the principal governmental agencies, with suggestions for improvement.

Those of us who are interested in better accounting and reporting methods for the federal government are greatly indebted to Mr. Bartelt for preparing these papers and to the Public Administration Service for bringing them out in printed form.

A. E. Buck
Institute of Public Administration

Public Finance. By Alfred G. Buehler. New York City, McGraw-Hill Publishing Company, 1940. 846 pp. $4.00.

The second edition of this voluminous textbook by the associate professor of public finance at the Wharton School of Commerce and Finance contains over

eight hundred pages of almost solid reading matter. Therefore it cannot in any sense be "reviewed" in a few hundred words.

Taxes and their problems take up nearly half the pages and provide excellent reading—the best in the book. Two chapters stand out particularly: Shifting and Incidence and Equitable Distribution. In fact if this part of the book were published separately it would doubtless have wider use.

Teachers and students of other phases of public finance must admit that, except for what is noted below, the discussions of Spending, Control of Spending, and Income Producing Enterprises, are adequate. The "selected references" will be necessary, however, to give aid in practical problems.

The exception noted is on Governmental Borrowing and much of this is thorough and worthwhile. But on page 167, Exaggerated Notions of Expenditures, the reader gets the feeling he is shown two caricatures of extreme positions. Not enough space is given to certain schools of thought that are not extreme. It is significant that though Leo Wolman's study is listed, it is not discussed; *Controlling Depressions* by Paul H. Douglas is not even listed. On the other hand much is made of the League of Nation's *Report on Public Works in a Depression.* The inadequacy of this section appears to this reviewer to rest upon the fact that, though the views of Irving Fisher on some subjects are presented, his views and those of many other conservative economists on the relation of modern money to bank credit, and therefore to the whole question of public as well as private finance, is ignored.

At the bottom of page 721 the paragraph, The Purposes of Borrowing, leaves out the most important reasons governments now "borrow" in a depression, that is, to bring circulating medium into existence to replace that whose destruction has caused the depression, and incidentally to deprive the hoarders of masses of currency of the unfair advantage they obtain when prices fall fast.

The author points out that much of such money "borrowed" by governments in a depression is wasted. All will agree with that. But whoever is granted by bankers the right to use bank credit money gets something for nothing when he proffers it, and when a government gives it to a man technically called "unemployed" it may not get much "something" for its "nothing." However, this is a small price to pay for the production and consumption of wealth which the new bank credit dollar will lead to in one year of exchanging.

The book has one great value to readers of this Review. Every paragraph or so discusses matters which affect the problem of whether those being taxed to support a local government will find that burden easier or harder. The book makes clear that the financial policy of one unit and level of government has repercussions on all others.

W. J. M.

Problems in Service Levels. The Readjustment of Services and Areas in Local Government. By William Seal Carpenter. Princeton, New Jersey, Princeton University Press, 1940. 234 pp. $2.50.

The focus of the problem discussed in this book is a center of conflicting theories and practices. One controversy has to do with the search for efficiency in government—a search generated by high taxes, tax delinquency, local government bankruptcy, and the

growing unwillingness of well-to-do areas to subsidize rural and urban slums. The drive toward greater efficiency moves toward annexation, consolidation, deorganization, centralization—toward reducing overhead costs and raising the standards of administration. The task is to discover the size of unit, relative to function, which will best render the needed service at the lowest cost.

The second area of controversy is one of control. On the one hand there are the theories of the right of self-government, the dangers of concentration of power, the greater probability of locally controlled government meeting more satisfactorily local needs. On the other hand such theories in practice often cloak the vested interests of office-holders or the ignorance of taxpayers as to the relation between taxes and benefits.

In his first chapter Professor Carpenter discusses historically the basis for local government in the United States. It is a somewhat truncated discussion for it breaks off after describing developments to about 1800 and the second chapter immediately launches into the discussion of "inter-jurisdictional agreements." Such agreements cover a wide range of subjects —police and fire protection, sewage disposal, construction and maintenance of institutions, health services, purchasing, planning, broadcasting, flood control, exhibitions, and so on. Comprehensive state laws authorizing such agreements are rare.

The third chapter reviews methods and progress of consolidation and annexation and the fourth reviews deorganization. State laws on these subjects are usually permissive though new developments of some promise are that the state pay bonuses for elimination or consolidation of grossly inefficient units, or for the state by law to make the private property of inefficient jurisdictions liable for its debts and thus encourage a willingness to consolidate or deorganize. Throughout these chapters and the last on conclusions, Professor Carpenter gives advice and suggestions on improving statutes, contracts, and techniques. His discussion takes up 139 pages, yet is hardly more than an introduction to the subject. It makes little attempt to set forth criteria for standards of service, or to analyze the equally difficult problem of the relation of local self-government to democratic control of government generally. There is no examination of the effect of deorganization or consolidation on voting habits, or the quality and responsibility of elected officials.

Pages 143-227 contain a bibliography, in which, according to its author, Miss Lee Virginia Wingfield, "emphasis has been placed upon materials that treat the theory of the problem or of its solution; that indicate general and significant developments in local readjustment; or that explore specific situations as examples of sound technical approach." The items are classified under three main headings: reorganization, readjustment of services, and readjustment of local areas.

The problem is a dual one: on the one hand it is a cost accounting problem—one of technical efficiency in the construction, organization, and management of administrative units; on the other it is a problem in democratic government—in the relation of self-government to the character, conduct, and welfare of people. If self-government is an end in itself, an integral part of education for good living, then some sort of over-all social audit is required and the problem as a whole necessitates a much more comprehen-

sive and intensive study than it has received here.

HARVEY PINNEY
New York University

The Legal Basis for Municipal Functions in Toledo. By Harold T. Towe. Fastoria, Ohio, Gray Printing Company, 1940. 328 pp.

How does a city get that way? In this book Mr. Towe gives a case history of the evolution of one city which should shed light on the functional evolution of all cities. With scholarly meticulousness he has traced down through more than a century the origins of everything that the city of Toledo does—and citizens take for granted today. A spirited preface by O. Garfield Jones comments pointedly: "It is only upon the basis of many such detailed studies of the evolution of many municipal corporations that an accurate history of municipal development can be written either for Ohio or for the United States. The rampant individualism of the American frontier was reflected in the municipal development of that period. And the random course of this evolution was aided and abetted by the vicious special legislation for cities which was prevalent in so many of our states in the last century. It was fortunate indeed that Mr. Towe's legal antiquarian interest fastened upon so typical an industrial city as Toledo in so typical a state as Ohio."

M. R.

Additional Books and Pamphlets Received

Accounting

Local Government Accounting—The Secret to Better City and County Management; **Minimum Accounting Standards** for Tennessee Counties and Small Municipalities. Knoxville, University of Tennessee Press, 1940. 29 and 60 pp.

Assessments

Measuring Inequalities in Farm Property Assessments in Maryland. By William Paul Walker and Earl E. Miller. College Park, University of Maryland Agricultural Experiment Station, 1940. 40 pp.

Papers Presented at the Seventh National Conference on Assessment Administration. Chicago, National Association of Assessing Officers, 1940. iii, 74 pp. $1.00.

Report of the Committee on Assessment Organization and Personnel. Chicago, National Association of Assessing Officers, 1940. 28 pp. mimeo.

Conservation of Natural Resources

Forest Depletion in Outline; Pacific Northwest Resources in Outline; Soil Conservation in Outline. Portland Oregon, Northwest Regional Council, 1940. 45, 64, and 45 pp. mimeo. Twenty-five cents each.

Northern Great Plains. By National Resources Planning Board. Washington, D. C., Superintendent of Documents, 1940. 44 pp. Ten cents.

Our National Resources, Facts and Problems. By National Resources Planning Board. Washington, D. C., Superintendent of Documents, 1940. 45 pp. Ten cents.

Pacific Northwest Problems and Materials. An Introduction. Portland Oregon, Northwest Regional Council, 1940. 190 pp. Fifty cents.

Democracy

Education and the Defense of American Democracy. Washington, D. C., Educational Policies Commission, 1940. 23 pp. Ten cents.

The Dangers to Democracy: What

Can Be Done About Them? (Booklist). Chicago, American Library Association, 1941. 28 pp. Twenty-five cents.

Education

Administration of State School Lands and Public Trust Funds in Nebraska. By Roger B. Shumate. Lincoln, Nebraska Legislative Council, 1940. 59 pp.

Free Textbook Programs. Survey of Legislation and Administrative Practices, Methods of Financing and Installation in Other States, and Possible Application to Kansas. Topeka, Research Department, Kansas Legislative Council, 1940. xii, 56 pp. mimeo.

Know Your School System. By Frances N. Anderson. Washington, D. C., National League of Women Voters, 1940. 15 pp. Ten cents.

Report of a Survey of the Public Schools of Pittsburgh, Pennsylvania. By Division of Field Studies, Institute of Educational Research, Teachers College, Columbia University. New York City, Bureau of Publications, Teachers College, Columbia University, 1940. xviii, 564 pp. $1.50.

Fire

A Survey of Fire Hose Prices and Purchase Policies in American Cities. By Research Department, City of Houston (Texas), 1940. 15 pp. mimeo.

Initiative and Referendum

Initiative and Referendum—A Bibliography. Compiled by Josephine Ver Brugge Zeitlin. Los Angeles, The John Randolph Haynes and Dora Haynes Foundation, 1940. 97 pp. mimeo. Seventy-five cents.

Legislatures

A New Legislature for Modern California. By Dean E. McHenry. Los Angeles, The Haynes Foundation, 1940. 30 pp. Ten cents.

Proposed Bills Submitted to the General Assembly of 1941. Baltimore, Maryland Legislative Council, 1940. 212 pp.

Report of the Legislative Council, State of Connecticut. Hartford, Connecticut Legislative Council, 1940. 64 pp.

Report to the General Assembly of 1941. Baltimore, Maryland Legislative Council, 1940. iv, 65 pp.

Liquor Control

Liquor Control—or Chaos. Detroit, Michigan Liquor Study Committee, 1940. xii, 85 pp. Charts, illus. Two dollars. (Apply to Murton Peer, secretary, 6432 Cass, Detroit.)

Municipal Government

Battle for Municipal Reform. Mobilization and Attack, 1875 to 1900. By Clifford W. Patton. Washington, D. C., American Council on Public Affairs, 1940. 91 pp. Clothbound, $2; Paperbound, $1.50.

City Problems of 1940. The Annual Proceedings of the United States Conference of Mayors, New York City, September 19-21, 1940. Edited by Paul V. Betters. Washington, D. C., United States Conference of Mayors, 1940. iv, 115 pp. $3.00.

The Municipality and Cultural Life. By H. E. Varga. Cleveland, Western Reserve University Press, 1940. 38 pp.

Personnel

The Balance Sheet. A Merit System Progress Report 1933-1940. New York City, Civil Service Commission, 1940. 16 pp. illus.

The Recruitment, Training and Education of Local Government Officers. By L. Hill. London, National Association of Local Government Officers, 1940. 56 pp. illus.

Training Your Employees. Sugges-

tions to Executives and Supervisors. By Milton Hall. Washington, D. C., Society for Personnel Administration, 1940. 26 pp. Thirty-five cents (reductions on quantity orders).

Planning

National Conference on Planning. Proceedings of the Conference held at San Francisco, California, July 8-11, 1940. Chicago, American Society of Planning Officials, 1940. v, 194 pp. $2.00.

Police

Organization and Administration of a Police Department in Cities under 4,000 Population; **Records System for Small Police Departments in Wisconsin; Rules and Regulations for the Police Department.** Madison, League of Wisconsin Municipalities, 1940. 14, 31, and 13 pp. respectively, mimeo. Fifty cents each.

Recreation

Chicago Recreation Survey—Volume V, Recommendations Adopted by the Chicago Recreation Commission on the Basis of the Findings of the Chicago Recreation Survey and Summary of Findings. Edited by Arthur J. Todd. Chicago, Chicago Recreation Commission, 1940. xi, 98 pp.

"OPEN BACK DOOR"

(Continued from Page 89)

should be supported by similar studies in other areas, it may well be that the open back door is in need of general modification.

It is suggested that such modification might take the form of an implemented combination of the "closed" and "open" door devices. Thus, for the sake of administrative flexibility, authority might be vested in the appointing authority to remove "for the good of the service," and without reversal powers in the hands of the civil service department, in all cases except those in which the latter finds that the dismissal was prompted by racial, religious, or political motives. In such exceptions the civil service department might be vested with actual reinstatement powers in order that the employee's interest might be protected from unwarranted separations.[11]

In this manner both administrative flexibility and employee justice are served. The only difficulty which would seem apparent in such a system is with regard to the interpretation of the word "political." Yet for all this difficulty it would seem far less serious than the present difficulties which have been found to exist in both the "open" and "closed" back door dismissal procedures.

EDITORIALS

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REVIEW, 48 per cent of the cities with 30,000 or more population now permit the payment of taxes in two installments, whereas only 29 per cent permitted it in 1930. Eight per cent of the cities permit five installments or more as compared with none in 1930.

The trend is unmistakable and can be expected to be an increasingly important safeguard against tax delinquency.

[11]The actual power of reinstatement in the event of this type of dismissal distinguishes this suggestion from the unimplemented prohibitions against such dismissals which are contained in United States and Rhode Island statutes and in the new amendment to the Michigan constitution.